

PROCEDURE FOR RESOLVING REPORTS OF SEXUAL HARASSMENT & SEXUAL MISCONDUCT

In accordance with NYFA's Title IX Grievance Policy & Procedure and Sexual Misconduct Policy*

Incident Reported or Formal Complaint Filed

Initial intake and assessment by Title IX Coordinator to determine which policy applies.

The Title IX Coordinator will:

1. Obtain additional information about the incident
2. Review additional reporting options and resources with reporting individual (Complainant)

Title IX Grievance Policy & Procedure applies

Neither policy applies

Sexual Misconduct Policy applies

Formal Complaint is filed, if not filed already

Complaint dismissed or given to Dean of Students/ Dean of Campus

Formal Complaint is filed, if not filed already

Formal Resolution

1. Investigation - Title IX Investigator will interview Complainant(s), Respondent(s), and Witnesses and obtain evidence relevant to the allegations. Parties will be able to inspect and respond to the evidence prior to the conclusion of the investigation. An Investigative Report is created that fairly summarizes the relevant evidence.

2. Hearing - Decision-maker will facilitate a live hearing in-person or via Zoom. During the hearing, Decision-maker will ask questions of the Parties and Witnesses, and provide the opportunity for live cross-examination. Each Party will be accompanied by an advisor of choice, who is responsible for conducting cross-examination.

3. Determination Regarding Responsibility- Decision-maker will rely on the information gathered during the investigation and hearing to determine findings and sanctions, if any.

Informal Resolution

A mutual agreement between the Complainant(s) and Respondent(s) to address the reported behavior, prevent reoccurrence, and remedy the effects without completing a formal investigation. Types of informal resolution include: Mediation, Administrative Resolution, or Restorative Justice.

Formal Resolution

1. Fact Finding - Title IX Investigator will interview Complainant(s), Respondent(s), and Witnesses and obtain evidence relevant to allegations.

2. Information Review- Complainant(s) and Respondent(s) will have the opportunity to review and respond to information collected during the fact finding stage.

3. Determination Regarding Responsibility- Investigative Report drafted and sent to Decision-maker to determine findings and sanctions, if any. A hearing may be conducted by Decision-maker in cases where the Respondent faces a potentially severe sanction or if the determination relies on credibility.

Final Outcome Letters sent to Complainant(s) and Respondent(s)

Includes the findings, sanctions, rationale for decision, and how to appeal

Case Closed

Appeal not requested within 5 working days

Appeal requested within 5 working days
Appeals may challenge (A) the decision regarding responsibility; and/or (B) the severity of sanctions assigned based on policy violation(s)

Appeals process initiated

Case Closed