

Annual Security & Fire Safety Report 2023

*Crime Statistics Report Included

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NYSID Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) requires that colleges and universities, by October 1, annually disclose information on campus crime statistics. The New York School of Interior Design (NYSID) publishes the Annual Security Report (ASR), providing institutional policies on safety and security, NYSID response to reporting of crimes, fire safety, campus crime prevention programming, investigation procedures and crime statistics for the past three years as reported by Campus Security Authorities, Campus Safety Office, New York Police Department and 1760 Residence. The report is compiled by the Dean of Students Office, Facilities Department and the Marketing, Communications and Engagement Office, distributed to all students and made available to prospective students and employees through the institution’s website, Student Handbook and Staff and Faculty Handbooks. An email notice is sent annually to all enrolled students that provides a link to access this report. A copy is also available through the NYSID portal. Information on how to obtain a paper copy is also provided.

NYSID College Campus

NYSID is committed to providing a safe and secure campus for all members of its community. Our location uptown consists of two, one-hundred-year-old Renaissance- and Colonial-Revival buildings (69th Street and 70th Street) on Manhattan's Upper East Side, blocks away from world-class cultural and design resources—from the Metropolitan Museum of Art and the Guggenheim to the D & D Building (home to over 120 showrooms and the wares of 3,000 manufacturers). We count as our neighbors great design showrooms and professional practices (not to mention amazing restaurants and galleries, the retail scene of Madison Avenue, and Central Park). Downtown, our Graduate Center contains the latest in sustainable design and lighting technology. This location at Park Avenue @ East 28 Street puts it at the heart of NYC's design community.

NYSID Campus Security

At NYSID, the safety and well-being of its students, faculty, staff, and visitors is a high priority. A safe and secure environment can only be achieved through the cooperation of all members of the campus community. The policies included herein are a part of the College’s efforts to ensure that this collaborative endeavor is effective. Students should read the following information carefully and use the information to help foster a safe environment for the entire NYSID community. Any inquiries regarding the policies may be made to the Campus Safety Office, 212-472-1500, ext. 420.

Enforcement Authority of NYSID / Public Safety

The Campus Safety Office (CSO) is a service unit within campus administration dedicated to the protection of students and campus property. The Campus Safety Office is located at the 70th Street lobby reception desk whenever the College is open. The CSO may be reached on-campus by picking up a campus phone located in all classrooms and on the third and fourth floor staircase landings of the 70th Street building or by dialing the main NYSID number and selecting extensions 409, 410, or 420. Neither the lobby receptionist nor CSO is armed. The cooperation and involvement of all members of the campus community in a campus safety and security program is essential. Students, faculty, and staff should report any suspicious persons or any unusual incidents that are observed.

NYSID CSO staff communicate directly with the New York City Police Department (NYPD) officials as necessary, and a Memorandum of Understanding is established for investigating criminal incidents as the campus does not maintain an on-campus police/security department. NYSID CSO staff will cooperate and assist as necessary with the NYPD investigation process.

Weapons on Campus

In the state of New York, persons 18 years of age and older who have not been convicted of a felony or a crime of assault are permitted to purchase and possess a self-defense spray that only contains oleoresin capsicum, has a maximum net weight of .75 ounces, and is not disguised to be something other than a self-defense spray. Individuals in the NYSID community may only carry a self-defense spray in NYSID's facilities if they have first registered with the Dean of Students and such registration has been approved by the Dean of Students. While such approval will not be unreasonably withheld, the Dean of Students reserves the right to deny registration. Individuals who carry a self-defense spray in NYSID's facilities without an approved registration are subject to disciplinary action, including, but not limited to, restriction from NYSID facilities. Self-defense spray registration forms can be obtained from the Dean of Students at deanofstudents@nysid.edu.

Possession of a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to school property regardless of whether the individual possesses a valid permit to carry the firearm or weapon is not permitted.

Access to Campus Facilities

The NYSID ID must be presented and scanned upon entering all buildings and should be carried whenever on school property. Only registered students bearing current ID cards and authorized visitors are permitted access to campus facilities. Refusal to present one's ID card upon request by NYSID authorized personnel will result in immediate removal from the premises. ID cards may be obtained through the Office of the Registrar on the second floor of the 69th Street building.

All visitors must sign in and show valid identification at the reception desks and receive a visitor's pass to gain access to college facilities. The visitor pass must be worn at all times. The lobby receptionist will call an office to verify that a visitor is expected. The general public is permitted access to the gallery during posted hours as well as to evening public lectures.

Due to security requirements, students are not permitted to bring family members, friends, or pets to any area of the College without written consent from NYSID Administration. Students who violate this policy will be subject to disciplinary action.

NYSID cannot accept packages addressed to students and delivered to any college building. All packages will be refused by the receptionist and returned to sender. NYSID is not responsible for any financial penalty or cost for the mailing or contents of a student package.

Photography of the School facilities is not permitted. Anyone wishing to photograph the School must apply directly to the Office of the President.

Responsibilities of the NYSID Community

Members of the NYSID community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

1. Report all suspicious activity to NYPD and to the Campus Safety Office.
2. Never take personal safety for granted.
3. Try to avoid walking alone at night.
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively or are engaging in illegal activity. Remember to call the NYPD for help at the first sign of trouble.
5. Carry only small amounts of cash.
6. Never leave valuables (wallets, purses, laptops, phones, calculators, etc.) unattended.
7. Carry your keys at all times and do not lend them to anyone.
8. Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not in your room.
9. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
10. Inventory your personal property and insure it appropriately with personal insurance coverage.

Education of the NYSID Community

Safety drills, presentations and workshops are conducted throughout the academic year for students, staff and faculty. Workshops, informational material and online training programs address Title IX, sexual misconduct, sexual assault, domestic violence, dating violence, stalking and special crime prevention. Education programs are provided as part of a Memorandum of Understanding with New York – Presbyterian Weill/Cornell Medical Center. Information on safety, security, crime prevention and emergency response are presented for staff and faculty during orientation programs and special meetings conducted for these purposes.

Reporting Procedures

Reporting Criminal Actions or Emergencies

Any crimes-in-progress on campus should be reported by dialing 911. Immediately following the 911 call, at the uptown facility the 69th Street, or 70th Street reception desk should also be alerted by calling 212-472-1500, ext. 410, or the call can be made from the house phones in all classrooms and on the third or fourth floor staircase landings. If needed, Incident Report forms are available at the 70th Street reception desk. Any crime committed on campus or within Manhattan's 19th Police Precinct may also be reported to the NYPD's 19th Precinct at 153 East 67th Street (between Lexington and Third Avenues) or by telephoning 212-452-0600.

Any crimes-in-progress at the Graduate Center should be reported by dialing 911. Immediately following the 911 call, notify the reception desk at the third-floor front entrance. A call can be made from the

house phones in all classrooms and at the rear entrance on the second and third floors. If needed, Incident Report forms are available at the reception desk. Any crime committed at the Graduate Center or within Manhattan's 13th Police Precinct may also be reported to the NYPD's 13th Precinct at 230 East 21st Street or by telephoning 212-477-7411.

Criminal actions or other emergencies that occur anywhere on campus may also be reported to the Campus Safety Office at 212-472-1500, x. 410. The College will notify the police precinct.

NYSID does not have an on-campus residential facility. Students reside at off-campus facilities managed by Educational Housing Services (EHS), and Found Study, independent student housing organizations. For the Residence Halls, any incident of assault should be reported to the Residence Life Office at the facilities.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and emergencies in an accurate and prompt manner directly to the NYPD by dialing 911. During normal business hours, we encourage people reporting a crime or emergency to the NYPD to also report the incident, as soon as practicable, to the NYSID's Campus Safety Office, through the College's emergency phone number at 212-472-1500 x. 410 or from an internal College phone by dialing 410 for all NYSID facilities or by filling out an incident report form.

In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the NYPD to file a report. Internal reports involving a student, which are made to NYSID officials as listed above, will be forwarded to the Campus Safety Office and the Dean of Students. These offices are responsible for reviewing all reports and determining if the case will be referred for adjudication through NYSID's judicial process.

The New York Police Department is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the New York City Fire Department, such assistance will be sent by the 911 dispatchers after receiving an emergency call. Crimes should be reported to New York City officials and NYSID as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Campus Security Authority (CSA)

NYSID community members may also report criminal activity to a Campus Security Authority (CSA). A campus security authority is defined by federal law as "an official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing discipline and campus judicial procedures. Pastoral and professional counselors are not considered campus security authorities when acting in their role as such. At NYSID, the designated CSA's are: Campus Safety Staff, Dean of Students; International Student Services Specialist; and Campus Safety Office Staff.

The function of a CSA is to report to the official or office designated by the institution to collect crime report information those allegations of Clery Act crimes that he or she receives. CSA's are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as CSA only.

Confidential Reporting

Reports of crimes made to CSAs may be done confidentially. However, there may be circumstances where CSAs are under a legal obligation to report a crime and may not be able to keep certain information confidential, for example if doing so would result in serious harm to the reporting individual or others.

Notification to the NYSID Community About Reported Crimes – Timely Warning Notices

In an effort to provide timely notice to the NYSID community, and in the event of a crime which may pose a serious ongoing threat to members of the NYSID community, a simultaneous text message, phone call and email will be sent to all students, employees and faculty via the College's emergency notification system. Standard alerts are prepared by a member of the Crisis Communication/COVID Response Committee. The Committee, consisting of appointed staff from the President's Council, develops and implements guidelines for responding to a Crisis. Follow-up information will be disseminated via all aforementioned systems throughout the duration of the crisis, as deemed appropriate. Victim information will be kept confidential during the timely warning process.

Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR) National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by NYSID. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other NYSID community members and an alert may not be distributed. Members of the Crisis Communication/COVID Response Committee review all internal reports and information received from the NYPD to determine if there is an on-going threat to the community and if an alert is warranted. Alerts may also be posted for other crime classifications, as deemed appropriate.

A daily crime and fire log is available for review during normal business hours at 170 East 70th Street. The information about crimes typically includes the case number, classification, date reported, date occurred, time occurred, general location, and disposition of each crime. The information about fires typically includes the case number, date reported, date occurred, time occurred, and general location. Logs for crimes older than sixty (60) days will be made available within two (2) business days of a request for public inspection.

Notification to the NYSID Community about an Immediate Threat

NYSID will notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, staff and faculty occurring in and around NYSID campus facilities. Members of the Crisis Communication/COVID Response Committee may receive information from various offices/departments on campus or external agencies. Any member of this Committee may be in a position to confirm that there is an emergency or dangerous

situation that poses an immediate threat to the health or safety of some or all members of the NYSID community. A designated member of the Committee will determine the content of the message and the appropriate segments of the community to receive the notification. The institution may limit the message to a particular segment of the community, if the threat is limited to a particular building or segment of the population. Designated members of the Crisis Communication/COVID Response Committee and Campus Safety Office Staff are trained to use the system, and will initiate the system by using some or all of the system's capabilities described below to communicate the threat to the NYSID community. NYSID will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the NYSID community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the NYSID campus community. These methods of communication are part of the Emergency Notification System (ENS) and include simultaneous text messages, phone calls and emails as well as a website banner on www.nysid.edu. NYSID staff, faculty and students are strongly encouraged to make sure their cell phone number is updated with the Office of the Registrar after any number changes to ensure messages from the Emergency Notification System.

NYSID community members are encouraged to notify 911 and the Campus Safety Office (as described in the Reporting Procedures section of this document) of any situation or incident in or around a NYSID facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

NYSID conducts annual test of the "Timely Warning/Emergency Response" system which are logged and maintained in the Crisis Communication Committee records.

Medical Emergency

In the event of any medical emergency, NYSID personnel will call 911 for an ambulance. The nearest lobby receptionist should be notified in case of an emergency so that they can direct EMS to the appropriate location. A student can refuse to be examined by EMS personnel when those personnel arrive on campus.

If a student has an existing condition or is on particular medication of which responders should be aware, it is the student's responsibility to carry an explanatory medical card with them at all times. In addition, the student may give permission for a copy of this information to be kept on file at the reception desks.

Emergency Response and Evacuation Procedures

Understanding that emergency events vary, below are guidelines that are meant to aid in effective communications during emergency events.

- Be aware of all marked exits from your area and building and know the routes out of the building. If necessary or directed to do so, activate the building alarms by using the pull stations located next to every staircase and exit.
- When evacuating the building, move quickly to the nearest exit. Use staircase to exit.
- Anyone in a wheelchair or with any disability that prevents usage of stairs is instructed to go to the nearest staircase so that first responders can assist with evacuation.
- Once outside of the building keep sidewalks clear for emergency personnel and emergency responders and do not reenter the buildings until cleared by the fire department.
- Notify the emergency personnel of any persons believed to still be in the building.
- The 69th and 70th street building should be evacuated when any fire alarm smoke/carbon monoxide alarm sounds continuously and/or upon notification by any NYSID school official or by any authorized NYC agency....FDNY, NYPD, DOB, Con Edison etc.
- At 401 Park Avenue South, after the sound of the fire alarm, listen carefully for the instructions given over the buildings public announcement system. Do not evacuate unless you are instructed to do so.

Meeting Locations during an Evacuation

- Main Building (170 E70th Street) – 3rd Avenue between 70th and 71st streets
- 69th Street Building (161 E69th Street) – 3rd Avenue between 68th and 69th streets
- Grad Center (401 Park Avenue South) – Park Avenue between and 28th and 29th streets

Shelter-in-Place

The term **Shelter-in-Place** means to seek immediate shelter and remain there during an emergency rather than evacuate the area. **It is always preferable to evacuate. Shelter-in-Place should only be used when an evacuation is not safe.** Certain events may necessitate the initiation of the college's Shelter-in-Place Protocol. The decision to Shelter-in-Place will be made by Campus Security Office in consultation with the College President, if available.

Once the decision has been made, the Campus Security Office will instruct the campus community to Shelter-in-Place. This notification will be made using all means of communication available, including the NYSID Emergency Notification System which will deliver emergency information to students, faculty and staff via text message, email, and voicemail. When the Shelter-in-Place has been lifted, NYSID will make the announcement through the Emergency Notification System.

Shelter-in-Place – Violent Person Procedures

In the event of the presence of a person or persons deemed by NYSID to be a threat to the campus community, a decision to Shelter-in-Place would be made by the Campus Safety Office in consultation with the College President, if available. This is the preferred method of keeping people out of harm's way, controlling movement in the buildings, and controlling access to buildings. Upon receiving notification to Shelter-in-Place:

- Stay in your rooms/ offices/ classrooms. At 401 Park Avenue South try to get to an internal room with a lockable door if possible.
- Notify those around you, and encourage others to remain in your room / office rather than to try to leave the building.
- Lock the doors, cover the door window, pull down the blinds, turn off the lights and stay calm.
- Stay away from the windows.
- Check your email or visit the college website, if a TV is available, turn it on, turn the volume off.
- Report any suspicious activity, sounds or smells to Campus Safety Office 212-472-1500 ext. 410 and 911.
- Only come out when you recognize the authority directing you to do so.

Shelter-in-Place – Weather Procedures

A severe weather event such as a tornado or wind event during normal operating hours of the college may necessitate you Shelter-in-Place until the threat of bad weather has passed. Relocating from your normal work area to a space that has no windows or to a lower floor may increase your chances of survival. It is recommended that you:

- Move to the basement of the building- they usually provide the best protection.
- Move to an interior room with no windows, or a hallway on the lowest floor possible.
- Move to an interior stairwell if all rooms have windows.
- Stay in the center of the room away from doors and windows.
- Stay in place until the danger has passed.

Please note: The Heating and Ventilation system may be shut down or changed to recirculate air to prevent drawing in outside air.

Building Closings – Weather Related

If adverse weather is predicted for New York City and its surrounding areas, procedures are in place to close, delay or cancel classes, work schedules and building hours. As a general rule, if the NYC Public School System closes, NYSID will also close. Please continuously check the main website, NYSID portal and NYSID's main phone number 212-472-1500 for more information during inclement weather.

Shelter-in-Place – Hazardous Incident Procedures

In the event of a critical incident where hazardous (including chemical, biological or radiological) materials may have been released into the atmosphere either accidentally or intentionally, a decision to Shelter-in-Place may be the preferred method of safely waiting out the release. The following recommendations should be considered:

- Move to rooms with no windows that can open or are open
- Rooms that have little or no ventilation are preferred
- Close any open windows and doors if you cannot move
- Only come out when you are told that it is safe by local emergency personnel

Utility Emergency

Loss of power or other building mechanical system interruptions or problems should be reported to the front desk immediately. The Facilities Department will investigate and attempt to correct any problems. The following recommendations should be considered.

Be aware of and report any of the following conditions to the front desk immediately:

- Strange sounds, leaks, odors or other unusual occurrences.
- The loss of electricity or dimming or flickering of lights.
- If you smell gas, smoke, other harsh odors, or there is the presence of excessive heat.
- Any water leak.
- If there is a flood, stop using all electrical equipment immediately.
- The Facilities Department will immediately inspect the affected area(s) and determine the cause of the problem.
- All areas affected in the building may be sealed off to prevent injury.

Elevator Emergency

If you become trapped in an elevator:

- Push the “alarm” button and “call for help”/” push to talk” button located on the elevator control panel. If you cannot contact help this way, use a cell phone or shout for help.
- Remain calm and wait for assistance.
- Do not attempt to force open the elevator door or otherwise leave the elevator car.

Suspicious Package

Suspicious packages can pose serious danger. If you ever observe or receive a package or letter that you believe is suspicious or questionable, **immediately contact** the front desk. If necessary, call 911 immediately. The following recommendations should be considered:

- If you become aware of a suspicious or unusual package, letter or object, do **NOT** touch it, open it or disturb it.
- Do **NOT** carry the item to other areas or show it to other people.
- If anything spills out of the package, **do not attempt to clean it up.**
- Isolate the package by having everyone leave the room. Close and lock the door, if possible, and evacuate the area.
- Avoid using portable electronic devices (radios or cell phones) when dealing with any suspicious package incidents

TITLE IX GRIEVANCE POLICY FOR ADDRESSING FORMAL COMPLAINTS OF SEXUAL HARASSMENT UNDER THE TITLE IX REGULATIONS – AUGUST 2020

Section 1: Introduction

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, the New York School of Interior Design will implement the following Title IX Grievance Policy, effective August 14, 2020.

Impact of the Title IX Grievance Policy on other Campus Disciplinary Policies

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, the New York School of Interior Design must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

The New York School of Interior Design (NYSID) remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

A Student Code of Conduct and Staff and Faculty Principles of Conduct that define certain behavior as a violation of campus policy, and a separate Student Sexual Misconduct Policy & Procedures for Students,

and a Staff and Faculty Sexual Harassment Policy, that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the NYSID Student Code of Conduct – Judicial Procedures (Non-Academic) / Non-Title IX Student Sexual Misconduct Policy and Procedure for Students, Staff and Faculty Principles of Conduct, Staff and Faculty Sexual Harassment Policy and Staff and Faculty Handbooks, through a separate grievance proceeding. <https://www.nysid.edu/student-handbook> and <https://www.nysid.edu/campus-safety-security>.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

Title IX Grievance Policy and the impact on the handling of complaints

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

Section 2: The Title IX Grievance Policy

General Rules of Application

Effective Date

This Title IX Grievance Policy is effective as of August 14, 2020, and only applies to formal complaints of sexual harassment brought on or after August 14, 2020.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing NYSID Student Code of Conduct – Judicial Procedures (Non-Academic) /

Non-Title IX Student Sexual Misconduct Policy and Procedure for Students, Staff and Faculty Principles of Conduct – Staff and Faculty Sexual Harassment Policy.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Definitions

Covered Sexual Harassment

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the NYSID Student Code of Conduct, Staff & Faculty Principles of Conduct and/or NYSID's Student Sexual Misconduct Policy & Procedures for Students or Staff and Faculty Sexual Harassment Policy.

Consent

For the purposes of this Title IX Grievance Policy, "consent" means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

<https://www.nysid.edu/campus-safety-security>

Education Program or Activity

For the purposes of this Title IX Grievance Policy, NYSID's "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that NYSID has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of NYSID's programs and activities over which NYSID has substantial control.

Formal Complaint

For the purposes of this Title IX Grievance Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within NYSID’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

Complainant

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevant evidence and questions

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege).
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Respondent

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Privacy vs. Confidentiality

Consistent with the NYSID Student Handbook, Student Code of Conduct, Judicial Procedures (Non-Academic) and Non-Title IX Student Sexual Misconduct Policy and Procedures for Students, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean NYSID offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. NYSID will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making a Report Regarding Covered Sexual Harassment to the Institution

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Karen Higginbotham, Dean of Students
170 East 70th Street
New York, NY 10021
212-452-4194
Karen.Higginbotham@nysid.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

Yvonne Moray, Assistant Vice President; Deputy Title IX Coordinator
401 Park Avenue South
New York, NY
646-935-5461

Yvonne.Moray@nysid.edu

The following Officials may provide confidentiality:

NYSID Counselors/Psychologists
170 East 70th Street
New York, NY 10021
212-452-4180
counselingcenter@nysid.edu

Non-Investigatory Measures Available Under the Title IX Grievance Policy

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from NYSID regardless of whether they desire to file a complaint, which may include:

- counseling and/or referral
- referrals for medical treatment and other support organizations
- appropriate law enforcement agencies
- adjusting academic schedule
- changing academic situations
- modifications of work schedules
- restrictions on contact between the parties (no contact orders)
- changes in work or student housing rooms/locations
- transportation

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

NYSID retains the authority to remove a respondent from NYSID's program or activity on an emergency basis, where NYSID (1) undertakes an individualized safety and risk analysis and (2) determines that an

immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If NYSID determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Appeals are reviewed and decided by the Office of the President.

Administrative Leave

NYSID retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with NYSID's Staff or Faculty Handbook.

The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of NYSID including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in NYSID's Non-Title IX Student Sexual Misconduct Policy & Procedure for Students (<https://www.nysid.edu/campus-safety-security>); Staff and Faculty Sexual Harassment Policy

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. NYSID will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy, Student Sexual Misconduct Policy & Procedure for Students or the NYSID Student Code of Conduct Judicial Procedures (Non-Academic), Staff and Faculty Principles of Conduct or Staff and Faculty Sexual Harassment Policy, prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here: <https://www.nysid.edu/campus-safety-security>.

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator or Deputy Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in NYSID's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, NYSID will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered sexual harassment.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator or Deputy Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

Discretionary Dismissal

The Title IX Coordinator or Deputy Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by NYSID; or,
- If specific circumstances prevent NYSID from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Notice of Removal

Upon dismissal for the purposes of Title IX, NYSID retains discretion to utilize the NYSID Code of Conduct Judicial Procedures (Non-Academic) and Non-Title IX Student Sexual Misconduct Policy and Procedures for Students <https://www.nysid.edu/campus-safety-security; NYSID's Staff and Faculty Principles of Conduct, Staff and Faculty Sexual Harassment Policy> to determine if a violation of NYSID Codes of Conduct and/or Non-Title IX Student Sexual Misconduct Policy or Staff and Faculty Sexual Harassment Policy has occurred. If so, NYSID will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or Deputy Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that it is a violation of the NYSID Code of Conduct to intentionally and/or knowingly provide false information, testimony, or evidence during the grievance process.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

NYSID will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The New York School of Interior Design has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of NYSID.

NYSID will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

NYSID's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and NYSID cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. NYSID will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by NYSID.

Notice of Meetings and Interviews

NYSID will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Deputy Title IX Coordinator or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator and/or Deputy Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

The Title IX Coordinator, Deputy Title IX Coordinator and/or investigator designated by the Coordinators will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

NYSID and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from NYSID and does not indicate responsibility.

NYSID cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. NYSID will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;

2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their one-time delay in the Grievance Process.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX Grievance Process.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any. *See, 85 Fed. Reg. 30026, 30438 (May 19, 2020).*

Investigative Report

The Title IX Coordinator, Deputy Title IX Coordinator and/or an investigator designated by the Coordinator will create an Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties at least ten (10) business days prior the hearing in an electronic format or hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

Hearing

General Rules of Hearings

NYSID will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process

The live hearing may be conducted with all parties physically present in the same geographic location, or, at NYSID's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom or similar video conference. This technology will enable participants simultaneously to see and hear each other. At its discretion, NYSID may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio and/or audiovisual recording, or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Continuances or Granting Extensions

NYSID may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, NYSID will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).

- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020).
- NYSID will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).

The Decision-maker

- The hearing body will consist of a single decision maker.
- The decision maker shall not have also served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may the decision maker serve on the appeals body in the case.
- The decision maker shall not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The decision maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.

- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, NYSID will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Decision maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Decision -maker conducts its initial round of questioning; During the Parties' cross-examination, the Decision-maker will have the authority to pause cross-examination at any time for the purposes of asking the Decision-maker's own follow up questions; and any time necessary in order to enforce rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Decision-maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker may be deemed irrelevant if they have been asked and answered.

Review of Recording

The recording of the hearing will be available for review by the parties within 10 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

Standard of Proof

NYSID uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and

exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that NYSID allow parties to call "expert witnesses" for direct and cross examination. NYSID does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that NYSID allow parties to call character witnesses to testify. NYSID does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that NYSID admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decisionmaker may draw an adverse inference as to that party or witness' credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the NYSID Student Code of Conduct or Student Sexual Misconduct Policy & Procedures for Students, Staff and Faculty Principles of conduct, Staff and Faculty Sexual Harassment Policy, if any, the respondent has or has not violated.
5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions NYSID imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to NYSID's education program or activity will be provided by NYSID to the complainant; and
6. NYSID's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeals").

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by NYSID within ten (10) business days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that NYSID provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than three pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a panel appointed by the school President, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Retaliation

NYSID will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed with the Title IX Coordinator or Deputy Title IX Coordinator.

NON-TITLE IX STUDENT SEXUAL MISCONDUCT POLICY & PROCEDURES FOR STUDENTS

I. NOTICE OF NONDISCRIMINATION AND POLICY STATEMENT ON SEXUAL MISCONDUCT

New York School of Interior Design prepares its students to lead the interior design profession by providing a deep and broad education to aspiring designers and working professionals, drawing upon expert faculty, current tools in technology and close industry relationships. NYSID upholds values and standards that support that mission and holds high expectations regarding the conduct of its students, faculty, staff and administrators.

The health, safety, and well-being of all members of the NYSID community are the school's primary concerns. In furtherance of NYSID's mission and in accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act/Campus Sexual Violence Act ("Campus SaVE Act"), and Article 129-B of the New York Education Law ("NY Law"), NYSID is committed to maintaining a community free from all forms of sex discrimination, including sexual misconduct.

Sexual misconduct is not tolerated in NYSID's education programs or activities. NYSID strictly prohibits sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity.

NYSID adopts the standard of Affirmative Consent to sexual activity set forth in the NY Law.

Questions regarding Title IX, the Clery Act, the Campus SaVE Act and the NY Law may be referred to NYSID's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights.

¹ Incidents that fall within the definition of sexual harassment in the Final Rule issued by the U.S. Department of Education in May 2020 will be investigated and adjudicated pursuant to NYSID's Title IX Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations August 2020 <https://www.nysid.edu/campus-safety-security>.

NYSID's designated Title IX Coordinator is: Karen Higginbotham, Dean of Students, 170 East 70th Street, New York, NY 10021, 212-472-1500 X202, karen.higginbotham@nysid.edu.

The Title IX Coordinator's responsibilities include, but are not limited to, overseeing NYSID's response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, and identifying and addressing any patterns or systemic problems of sexual misconduct that arise during the investigation of a complaint of sexual misconduct. In the event that the Title IX Coordinator is unavailable, his/her designee will act to initiate and oversee the process on behalf of NYSID.

II. SCOPE OF POLICY

This policy governs sexual misconduct involving all NYSID students, and applies to such students regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction or other protected status. **This policy addresses conduct falling outside the jurisdiction and scope of NYSID's Title IX Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under Title IX Regulations.** Complaints of discrimination or harassment on the basis of sex that do not involve sexual misconduct are governed by NYSID's policy on discrimination and harassment located in the NYSID Student Handbook.

If the Respondent is a NYSID employee or other person doing business with NYSID, the investigation and disciplinary processes described in NYSID's Employee Sexual Harassment Policy will apply. That policy is located in NYSID's Staff and Faculty Handbooks. Please be aware that it is NYSID's policy to ensure that its work and learning environment is free from intimate, romantic, dating, or other similar relationships between supervisors and their subordinates, and between faculty members and their students.

This policy applies to any allegation of sexual misconduct that takes place on NYSID property, including the 1760 Third Avenue student residence, or any other property on which a NYSID program or activity takes place. This policy also covers conduct that takes place off of NYSID property, including study abroad programs, but which may have an impact on the NYSID community or in which both the Complainant and Respondent are members of the NYSID community.

This policy (i) sets forth the available resources and reporting options for victims of sexual misconduct; (ii) specifies and defines the prohibited conduct; (iii) describes NYSID's procedures for responding to complaints of sexual misconduct, including the investigation, hearing, and sanctioning processes; and (iv) describes programs implemented by NYSID to educate and increase awareness among its community regarding sexual misconduct.

The following forms of sexual misconduct are prohibited:

- i. sexual harassment
- ii. sexual assault
- iii. sexual coercion
- iv. sexual exploitation
- v. dating violence
- vi. domestic violence
- vii. intimidation
- viii. stalking

III. DEFINITIONS

Accused shall mean an individual accused of a violation who has not yet entered NYSID's conduct process.

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of NYSID.

Bystander Intervention means safe and positive options for individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

Complainant means the individual making the allegation(s) of sexual misconduct.

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the following factors: length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual, physical, or psychological abuse, or the threat of such abuse.

Domestic Violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

Intimidation means implied threats or acts that reasonably cause another to fear for his/her safety or well-being.

No-Contact Order means a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.

Respondent means the individual accused of a violation who has entered NYSID's conduct process.

Retaliation means taking any adverse action or attempting to take adverse action, including intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

Sexual Assault includes non-consensual sexual intercourse and non-consensual sexual contact. **Non-consensual sexual intercourse** means any form of sexual penetration or intercourse (vaginal, anal, or oral), however slight, with any object by an individual upon another individual without consent and/or by force. **Intercourse** means: vaginal or anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact). **Non-consensual sexual contact** means any intentional sexual touching, however slight, with any body part or object by an individual upon another individual without consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.

Sexual Coercion is the application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

Sexual Exploitation means abuse or exploitation of another person's sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature, when: (1) submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or campus life activities, or used as the basis of any academic, student life or employment decision (quid pro quo); or (2) such conduct is sufficiently severe, persistent or pervasive such that it limits an individual's ability to participate in, or benefit from, education or work programs or activities (hostile environment).

Sexual Misconduct means a range of unwelcome behavior of a sexual nature that is committed without consent or by intimidation, coercion, threat or force. Sexual Misconduct includes, but is not limited to, sexual harassment, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

For purpose of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a person under similar circumstances and with similar identities to the victim.

Stalking can include: repeated or unwanted, intrusive and frightening communications by phone, mail and/or e-mail; repeatedly leaving or sending the victim unwanted items, presents or flowers; following or lying in wait for the victim at his/her home, school, work; etc.

Conduct that violates this policy may also violate New York State laws and subject the perpetrator to criminal prosecution. Sex Offenses under New York law are described in Sections 130.00 to 130.96 of the New York State Penal Code.

IV. STUDENTS' BILL OF RIGHTS

All students have the right to:

1. Make a report to local law enforcement and/or state police
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident
8. Be protected from retaliation by the institution, and student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution
9. Access to at least one level of appeal of a determination
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution

V.RESOURCES AND REPORTING OPTIONS FOR VICTIMS OF SEXUAL MISCONDUCT

Immediate Medical Assistance and Counseling

NYSID strongly urges any student who has been the victim of any form of Sexual Misconduct to seek immediate assistance. Sexual assault forensic examinations (SAFE) are available at local hospitals noted below. Assistance is available 24 hours a day, 7 days a week, from:

- Local Police and Emergency Assistance – Call 911
- NYSID Campus Safety Office – (212) 472-1500, ext. 420
- New York-Presbyterian/Weill Cornell Medical Center
Victim Intervention Program
525 East 68th Street, New York, NY 10065
(212) 746-4458
- Safe Horizon Victims' Services and Advocacy
Rape Crisis/Sexual Abuse Hotline – (212) 277-3000 or (866) 698-HELP (4357)
Domestic Violence Hotline – (800) 621-HOPE (4673)

In instances involving physical injury or Sexual Assault, NYSID strongly encourages obtaining a medical examination to determine the extent of injuries. In addition, the hospital, with the victim's permission, will collect physical evidence in a sexual offense evidence collection kit. Consenting to the completion of a sexual offense evidence collection kit does not obligate pursuing criminal charges with the police; it is a way to preserve evidence should there be a choice to pursue criminal charges at a later time. Hospitals are required by law to preserve such evidence for a minimum of 30 days. If choosing to seek medical assistance:

- It is important to not bathe, wash, shower, douche, brush teeth, comb hair, change clothes, or clean up so that no evidence of the attack is destroyed.
- A specially trained nurse or physician will conduct an interview about the circumstances of the assault.
- The examination will occur in a private examination room; no police personnel will be present during the examination.
- Medications to prevent pregnancy and sexually transmitted infections, including HIV, will be offered and, if any injuries will be treated.

Law Enforcement Notification

Under the NY Law, victims of Sexual Misconduct have the right to notify or decline to notify law enforcement. Timing is a critical factor in collecting and preserving evidence that may assist in proving that the alleged misconduct occurred, or may be helpful in obtaining a protection or restraining order from the police. Campus Security and other NYSID representatives are available to assist in notifying law enforcement of an incident of Sexual Misconduct and in contacting law enforcement or legal service organizations to learn about remedies. Except in instances where the victim is a minor, NYSID will respect a victim's decision regarding whether or not to report an incident to local law enforcement.

Resources and Reporting

NYSID is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of Sexual Misconduct. The reporting of Sexual Misconduct to NYSID's Title IX Coordinator should occur in a timely manner. Any incident of Sexual Misconduct reported to another NYSID employee, with the exception of those employees designated as confidential, as set forth below, will be reported by the employee to the Title IX Coordinator.

At the time of first disclosure, reporting individuals will be informed of their rights as follows: "You have the right to make a report to NYSID Campus Security, local law enforcement, and/or state police or choose not to report; to report the incident to NYSID's Title IX Coordinator; to be protected by NYSID from retaliation for reporting an incident; and to receive assistance and resources from NYSID." In addition, reporting individuals will be advised of their right to have emergency access to the Title IX Coordinator or other NYSID designee trained in interviewing victims of sexual assault who will advise on the importance of preserving evidence and obtaining a SAFE as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the NY Penal Law should be addressed to law enforcement or the District Attorney.

Confidentiality and Privacy

NYSID understands that, for many victims of Sexual Misconduct, confidentiality is a primary concern. However, it is important to note that certain NYSID employees are required by state and federal laws to share information from a report of Sexual Misconduct with NYSID or government authorities. The ability of NYSID employees to maintain confidentiality is as follows:

Professional Counselors

Professional, licensed mental health counselors are not required to report any information about an incident of Sexual Misconduct to the Title IX Coordinator without a victim's permission. State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or to others; or (ii) if there is reasonable cause to suspect that a minor has been sexually abused. The following is a list of NYSID's professional counselors:

- Rebecca Yu, Psychologist
(212) 452-4180, ext. 320
Rebecca.Yu@nysid.edu

Even NYSID employees who cannot guarantee confidentiality will maintain individuals' privacy to the greatest extent possible. Information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Responsible Employees

A Responsible Employee is a NYSID employee who has the authority to redress Sexual Misconduct, who has a duty to report incidents of Sexual Misconduct, or who a student could reasonably believe has this authority or duty. A report of Sexual Misconduct to a Responsible Employee will immediately trigger NYSID's investigation into the alleged Sexual Misconduct in accordance with the procedure described in this policy. A Responsible Employee must report all relevant details about the alleged Sexual Misconduct shared by the victim to the Title IX Coordinator. To the extent possible, information reported to the Responsible Employee will be shared only with those having a need to know such information in order to respond in accordance with NYSID policy.

NYSID may be obligated by law to investigate all allegations of Sexual Misconduct regardless of whether the victim wishes to file a complaint. Therefore, if a victim reports an incident of Sexual Misconduct to a Responsible Employee, but wishes to remain confidential or requests that no investigation into the incident be conducted, NYSID will weigh that request against NYSID's obligation to provide a safe, nondiscriminatory environment for all members of its community, including the victim. If NYSID honors the request for confidentiality, the victim must understand that NYSID's ability to effectively investigate the incident and pursue disciplinary action against the Accused may be limited. In rare circumstances, NYSID may not be able to honor a victim's request for confidentiality when doing so would jeopardize its responsibility to provide a safe, non-discriminatory environment. NYSID has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee is notified of alleged Sexual Misconduct.

When weighing a Complainant's request for confidentiality, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- Whether there have been other Sexual Misconduct complaints about the same Respondent;
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the Respondent threatened further Sexual Misconduct or other violence against the Complainant or others;
- Whether the Sexual Misconduct was committed by multiple perpetrators;
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- Whether the alleged Sexual Misconduct was perpetrated with a weapon;
- The age of the Complainant;
- Whether NYSID has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence).

After considering these factors, NYSID may be compelled to investigate the alleged Sexual Misconduct and, if appropriate, pursue disciplinary action in a manner that may require NYSID to disclose the complainant's identity to the respondent. If NYSID determines that it must disclose the Complainant's identity to the Respondent, the Complainant will be promptly informed.

If, after considering these factors, NYSID determines that it is able to respect the Complainant's request for confidentiality, it will nevertheless take all reasonable steps to respond to the complaint consistent with the Complainant's confidentiality request, and will determine whether interim measures are appropriate or necessary. NYSID will also consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported Sexual Misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys.

Accommodations

Any individual who has been the victim of Sexual Misconduct may request assistance in changing academic, living, transportation, and working situations. NYSID will grant such accommodations, provided they are reasonable and available, regardless of whether the victim chooses to report the crime to law enforcement. Such accommodations may include moving a student's residence, adjusting a student's academic or work schedule, and issuing a No Contact Order. Under such orders, a Respondent's intentional contact with the victim will be deemed a violation of this policy subject to additional conduct charges. NYSID will provide assistance to any victim seeking an order of protection order through local law enforcement or the equivalent if outside New York.

Requests for accommodations in connection with incidents of Sexual Misconduct should be made to the Title IX Coordinator. NYSID will provide information about the student's request for accommodations only to those having a need to know such information in order to implement the accommodations.

Reports of Sexual Misconduct from Others or Anonymous Sources

If NYSID receives a report of alleged Sexual Misconduct by someone other than the alleged victim (e.g., by a friend or roommate) or from an anonymous source, the Title IX Coordinator will promptly notify the alleged victim of the report, and inform the alleged victim of the available resources and assistance. NYSID will respond to the report of Sexual Misconduct as if the victim had made the initial report.

Alcohol and Drug-Use Amnesty

The health and safety of every student at NYSID is of utmost importance. NYSID recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. NYSID strongly encourages students to report Domestic Violence, Dating Violence, Stalking, or Sexual Assault to school officials. A Bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking, or Sexual Assault to NYSID or law enforcement will not be subject to NYSID's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Domestic Violence, Dating Violence, Stalking, or Sexual Assault. NYSID also reserves the right to provide amnesty to code of conduct violations in additional circumstances.

Time for Reporting

There is no time limit for reporting Sexual Misconduct. Nevertheless, any member of the NYSID community who believes that he or she has been a victim of Sexual Misconduct is encouraged to report the alleged Sexual Misconduct immediately in order to maximize the ability to obtain evidence and conduct a thorough, impartial, and reliable investigation.

Under no circumstances will NYSID allow an impending graduation to compromise its resolution of a Sexual Misconduct complaint. The conferral of a degree may, therefore, be held, if necessary, until proper resolution of any Sexual Misconduct charges, provided that a hearing opportunity will be scheduled for the earliest possible date that can accommodate the parties and their witnesses.

Anti-Retaliation Policy

NYSID prohibits Retaliation against any person who reports Sexual Misconduct or participates in the investigation of any allegation of Sexual Misconduct, including testifying as a witness. Retaliation should be reported promptly to the Title IX Coordinator. Reports of Retaliation will be investigated in accordance with the appropriate NYSID policy, and such conduct may result in disciplinary action independent of the sanction(s) or interim measures imposed in response to the underlying allegations of Sexual Misconduct.

VI. PROCEDURES FOR RESPONDING TO A COMPLAINT OF SEXUAL MISCONDUCT

NYSID is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of Sexual Misconduct. Incidents of sexual misconduct should be reported to the Title IX Coordinator. If an incident of Sexual Misconduct is reported to another NYSID employee, with the exception of those employees designated above as confidential, such employee will report the incident to the Title IX Coordinator.

Initial Steps

Intake Meeting with Complainant

Upon notice of any allegation of Sexual Misconduct, the Title IX Coordinator will schedule an individual intake meeting with the Complainant within 1 business day of receiving notice. At the intake meeting, the Title IX Coordinator will provide the Complainant with a general understanding of this policy, and identify forms of support or immediate assistance available to the Complainant (e.g., referrals to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers). The Title IX Coordinator will also provide the Complainant with a written explanation of his or her rights and options with respect to his or her report of Sexual Misconduct. The intake meeting may also involve a discussion of any accommodations that may be appropriate concerning the Complainant's academic schedule, housing, and/or employment arrangements. Additional information regarding interim accommodations is set forth in the Interim Measures section below.

At the initial intake meeting, the Title IX Coordinator will seek to determine how the Complainant wishes to proceed, i.e., whether the Complainant wishes to pursue Formal Resolution, Informal Resolution (not available for complaints of sexual violence), or does not wish to pursue resolution of any kind. Regardless of how the Complainant chooses to proceed, NYSID seeks to resolve every report of Sexual Misconduct within 60 calendar days of the initial report, excluding any appeal. The time frames included in this policy may vary depending on the details of the complaint and, in some cases, the time of the academic year (e.g., during school breaks or final exams). NYSID may extend any time frame for good cause, provided the Complainant and Respondent are given a written explanation as to the reason for such extension.

If the Complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the Respondent, and the date, location, and nature of the alleged Sexual Misconduct. The Title IX Coordinator will ask the Complainant to submit a written statement to the appointed Investigator of her/his narrative of the incident within 1 business day.

If the Complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential, or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the Complainant that NYSID's ability to respond may be limited. In such scenarios, Title IX nevertheless requires NYSID to evaluate the Complainant's request(s) for no action in the context of NYSID's commitment to provide a reasonably safe and non-discriminatory environment for its entire community. NYSID will make every effort to honor a Complainant's request for anonymity, and the Title IX Coordinator will explain the potential for conclusions to be drawn about the Complainant's identity should a Formal Resolution process be determined to be necessary to protect the NYSID community.

Interim Measures

In all complaints of alleged Sexual Misconduct, the Title IX Coordinator will initiate an appropriate inquiry and take immediate protective measures to support and protect the Complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, after the intake meeting, the Title IX Coordinator may impose a No Contact Order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the fact-finding and, if applicable, the adjudication.

Any student who has been the victim of Sexual Misconduct may request assistance in changing academic, living, transportation, and working situations after a report of Sexual Misconduct. The Title IX Coordinator will evaluate and ensure such accommodations are made, provided they are reasonable and available, regardless of whether the victim chooses to report the crime to law enforcement. When taking such steps to separate the Complainant and the Respondent, NYSID will, to the extent practical, minimize the burden on the Complainant.

The Complainant and Respondent can seek review of the need for and terms of any No Contact Order, interim measures, and other accommodations granted.

To ensure the safety and well-being of the Complainant, the Title IX Coordinator may also take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the

hearing, which may include directing appropriate officials to alter the students' academic, transportation, housing, and/or employment arrangements, or other appropriate protections. In addition, if the Respondent is a student determined to pose a continuing threat to the health and safety of the NYSID community, the Respondent may be subject to an interim suspension from NYSID.

Violation(s) of the Title IX Coordinator's directives and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

Effect of Criminal Proceedings

Sexual Misconduct may constitute a violation of both law and NYSID policy. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Therefore, criminal investigations or reports are not determinative of whether Sexual Misconduct, for purposes of the policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

The filing of a complaint of Sexual Misconduct under this policy is independent of any criminal investigation or proceeding. NYSID will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or take any necessary interim measures to protect the Complainant and the NYSID community. However, NYSID may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of Sexual Misconduct matters that may also violate the state criminal code. Such delay should not last longer than 10 days except when law enforcement requests and justifies a longer delay.

Formal Resolution

The Formal Resolution process includes three phases: 1) fact-finding, 2) adjudication, and 3) determination. In most cases, all three phases will occur. However, in cases in which no Respondent is identified or where a victim wishes to remain confidential or does not wish to pursue corrective action, and the Title IX Coordinator has determined, after reviewing the incident and/or Complainant's request against the factors listed in the Confidentiality section above, that the Respondent does not pose a risk to the community, only the fact finding phase may occur.

Fact Finding

If the Complainant wishes to proceed with Formal Resolution, the Title IX Coordinator will promptly initiate an official investigation and will immediately appoint an Investigator to conduct the fact finding for the complaint and provide the Investigator with the names of the Complainant and Respondent and the date, location, and nature of the alleged Sexual Misconduct.

Fact finding will commence within 1 business day of the Title IX Coordinator's appointment of the Investigator. In most cases, the investigation will be conducted by a trained Investigator appointed by the Title IX Coordinator. In some cases, the Title IX Coordinator may conduct the fact finding phase.

Fact finding is separate and distinct from the adjudication phase. During the fact finding phase, the Investigator will meet individually with parties involved, and may interview witnesses and collect and review such evidence as the Investigator deems necessary or helpful to the investigation into the alleged Sexual Misconduct, including written statements from the parties involved. The purpose of fact finding is to gather any and all information related to a report of Sexual Misconduct.

The Title IX Coordinator, will send the Complainant and Respondent an official letter that outlines the allegations of the complaint, which will include the date, time, location, and factual allegations about the violation, sections of the code of conduct violated, and possible sanctions. The letter will also identify the Investigator and direct the Respondent and Complainant to schedule meetings with the Investigator.

At least 3 business days prior to their meeting with the Investigator, the Respondent and Complainant will each provide the Investigator with a list of witnesses they wish to be called, copies of documents, and a description of any other information they propose to provide as evidence. The Investigator will provide each party with a copy of the list of witnesses and identification or copies of documents or other information submitted by each party

NYSID may arrange for the interviews with the Investigator to be recorded, and may arrange for the preparation of any transcript of the recording that NYSID deems appropriate. The interviews will be conducted by the Investigator as follows:

- As a non-adversarial process, interviews will not follow a courtroom model, and formal rules of evidence will not be observed.
- A record of the interviews will be kept by transcripts, recording, or other appropriate record. Such record shall be preserved and maintained for at least 5 years from the date of the interview.
- If either party fails to attend the interview, the Investigator may proceed and determine the complaint on the basis of the evidence available.
- Both the Complainant and the Respondent may have an advisor of their own choosing, present to support and assist them during the interview, and appeal stages of the Formal Resolution process. An advisor may not direct questions to the Investigator, but may consult with the party that he or she is assisting. The Investigator will not allow an advisor's presence to inhibit the parties' sharing of information or the conduct of the interviews.
- After reviewing all documents pertaining to the case, as necessary, the Investigator may recall parties or witnesses for additional questioning.
- At no time will the Complainant and Respondent be questioned at the same time or be permitted to question each other.

- At any time during the fact finding phase, the Investigator may interview witnesses and collect and review such evidence as the Investigator deems necessary or helpful to his or her investigation into the alleged Sexual Misconduct.

If the Investigator determines that unresolved issues exist that would be clarified by the presentation of additional information, the Investigator may delay the process in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other information that should have been presented by the Complainant or Respondent at least 3 business days in advance of their interviews with the Investigator.

Once the investigation is complete, the Investigator will provide a written report of the findings of the investigation to the Title IX Coordinator, including a determination as to whether the evidence presented supports the charge against the Respondent. The Title IX Coordinator will contact the Complainant with the final charges and confirm a desire to move forward before proceeding to adjudication as permissible within the constraints of ensuring campus safety.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), documents prepared in anticipation of fact finding, or other information introduced in the fact finding phase and any transcript of the interviews may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or NYSID policy.

Adjudication and Determination

In all investigations into alleged Sexual Misconduct, NYSID will evaluate evidence under a preponderance of the evidence standard. A preponderance of the evidence means that information shows it is more likely than not that the Respondent violated this policy and that sexual conduct occurred without Affirmative Consent.

The Respondent will be found to be responsible for the alleged Sexual Misconduct if the Investigator concludes, based upon careful review of all information presented, that it is more likely than not that such Sexual Misconduct occurred. The Investigator shall determine whether the Respondent is responsible for Sexual Misconduct, and will recommend the corrective measures and/or sanctions necessary for ensuring the protection of the Complainant and the community to the Dean of Students. The Investigator will provide a written statement of these determinations, which will include factual findings that support the determination and rationale for the decision and sanctioning recommendation, to the Title IX Coordinator. After reviewing the Investigator's written statement, the Dean of Students will determine the sanction.

Sanction

The Dean of Students may consider suspension or expulsion for any student found responsible for Sexual Misconduct; however, he or she may impose any of the following sanction(s) that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the Respondent's academic schedule

- Disciplinary probation
- Revocation of honors or awards
- Restricting the Respondent's access to NYSID facilities or activities
- Community service
- Issuing a No Contact Order to the Respondent or requiring that such an order remain in place
- Changing the Respondent's housing assignment
- Dismissal from or restricting or reassignment of employment
- Removing the Respondent from student housing
- Suspension (limited time or indefinite)
- Expulsion
- Revocation of degree

In determining an appropriate sanction(s), the Dean of Students will consider any existing record of past violations of NYSID policies, as well as the nature and severity of such past violation(s). The Dean of Students will consider as part of the deliberations whether the Respondent poses a continuing risk to the Complainant and/or the NYSID community. Either party may make or submit an impact statement to the Dean of Students during the sanctioning phase. The rationale for any sanction imposed will be explained and supported in the written decision of the Dean of Students.

Within 5 business days from the conclusion of the adjudication the Dean of Students will issue a determination letter to the Respondent and the Complainant. Both parties, concurrently, will receive a copy of this determination letter.

The determination letter will contain only the following information: (i) the name of the Respondent; (ii) whether the Respondent has been found responsible or not responsible for specific violation(s) of the Sexual Misconduct policy; (iii) the sanction imposed, if any; (iv) NYSID's appeal process; (v) any change to the results that occurs prior to the time that the results become final; and (vi) when the results become final. Both the Respondent and the Complainant have a right to this information. The determination letter may not be disclosed except where disclosure is authorized or required by law.

Transcript Notations

For crimes of violence, including sexual violence, NYSID will make a notation on the transcript of a student found responsible through the hearing process in cases where the sanction includes suspension or expulsion that the student was "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Respondent who withdraws from NYSID while such conduct charges are pending, and declines to complete the disciplinary process, NYSID will make a notation on the transcript that the student "withdrew with conduct charges pending." Respondents may seek removal of a transcript notation for a suspension, but the notation shall not be removed until 1 year after the conclusion of the suspension. Exclusion notations shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

Appeal

Either party may appeal the determination of the Investigator and/or the disciplinary decision of the Dean of Students. A party has three grounds under which to appeal the determination: (i) the Investigator committed procedural errors that had an impact on the decision, (ii) there is new evidence that was not reasonably available at the time of the fact finding process, or (iii) the sanctions are not consistent with past practices or the severity of the alleged Sexual Misconduct.

Final sanctions are in effect until any timely appeal of the decision is resolved. The Dean of Students may suspend the determination pending exhaustion of appeal, allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable. Interim measures will remain in effect until the appeal is resolved.

The procedure to file an appeal is as follows:

1. A party wishing to appeal the determination of responsibility and/or the sanction must file a **notice of intent to appeal** within 5 business days of the date the party is notified of the Investigator's findings and the sanctions of the Dean of Students. The intention to file an appeal must be submitted in writing (either email or hard-copy) to the Title IX Coordinator. This notice of intent to appeal must contain the party's grounds for the appeal.
2. Within 2 weeks of filing a notice of intent to appeal, the party's formal appeal must be filed with the Title IX Coordinator. The party should submit copies of any and all material the party wishes to provide as evidence for his/her appeal.
3. An appeal panel of 2 trained members will be appointed by the Title IX Coordinator to review the appeal. All members of the appeal panel will be free of conflicts of interest in the case. Except for appeals brought under (ii) above, the appeal panel's entire review process will be based on the party's appeal and the Investigator's record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard.
4. The appeal panel will make a final determination on the appeal. The appeal panel shall render its decision regarding the appeal within 20 calendar days, and will provide written notice of such determination to the Dean of Students, and issue a final determination letter to the Respondent and the Complainant. Both parties, concurrently, will receive a copy of this final determination letter.

Informal Resolution

A Complainant who wishes to file a formal complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as Informal Resolution. The Informal Resolution procedure is not available for complaints of Sexual Assault.

If the Complainant wishes to proceed with Informal Resolution, the Title IX Coordinator will ascertain the name of the Respondent, and the date, location, and nature of the alleged Sexual Misconduct, and, within 2 business days, will schedule an individual intake meeting with the Respondent in order to provide to him or her with a general understanding of the policy.

Informal Resolution provides an opportunity for the Complainant to confront the Respondent in the presence of, and facilitated by the Dean of Students, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and his or her wishes and expectations regarding protection in the future. The Respondent will have an opportunity to respond. The Respondent is expected to attend this meeting and participate in any investigation.

The Complainant and the Respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions set forth for advisors in Formal Resolution, outlined above. The Dean of Students will preside over the Informal Resolution and may elect to be assisted by another NYSID staff member.

If, in the course of the Informal Resolution, the Respondent admits to violating the NYSID Student Sexual Misconduct Policy, that admission will serve as a finding of responsibility that is final and cannot be appealed. The Dean of Students will recommend a sanction, which the Respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process above. If the recommended sanction of the Dean of Students is accepted, the process is concluded. If the recommended sanction is rejected, the complaint will proceed to the Formal Resolution sanctioning process. In such case, all information gathered during the Informal Resolution process will be made available to the Adjudicator in the Formal Resolution sanctioning process.

Informal Resolution may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the Informal Resolution taken together with any other relevant information known to NYSID at the time of the Informal Resolution.

NYSID may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private, except where disclosure may be required by law or authorized in connection with duties on behalf of NYSID.

VII. PREVENTION AND AWARENESS EDUCATION PROGRAMS

Creating a safe and respectful environment is the responsibility of all members of the NYSID community. To promote and maintain this environment, NYSID engages in comprehensive educational programming to prevent Sexual Misconduct, including Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Retaliation. NYSID provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees.

NYSID educates the student community about Sexual Misconduct through the following programs:

New Student Orientation Workshops and Informational Sessions
Sexual Misconduct Information Sessions and Workshops hosted by New York Presbyterian/Weill Cornell Medical Center Victim Intervention Program
Smart Phone Apps with ongoing educational programming and information
Student Leadership Training
Quarterly dissemination of publications and information pertaining to Sexual Misconduct

Sex Offender Registry

Information regarding a registered sex offender can be obtained by calling the New York State Division of Criminal Justice Services at 1-800-262-3257 or on-line at <http://www.criminaljustice.ny.gov/nsor/>.

Discrimination and Harassment, Including Sexual Discrimination, and Harassment

NYSID does not discriminate on the basis of gender, race, color, creed, disability, age, sexual orientation, marital status, national origin, or other legally protected status, and is firmly committed to the rights of all members of its community – students, faculty, and staff – who must interact through mutual respect and trust. Any student, faculty, or staff member who violates college policy by subjecting another to discrimination or harassment of any kind will be subject to appropriate disciplinary action.

NYSID's designated Title IX Coordinator is: Karen Higginbotham, Dean of Students, 170 East 70th Street, New York, NY 10021 (212) 472-1500, ext. 202

NYSID's designated Deputy Title IX Coordinator is Yvonne Moray, Director of Human Resources, 401 Park Avenue South, New York, NY 10016 (212) 472-1500 ext. 461.

The Formal Complaint

Anyone who feels he or she may be the victim of harassment or discrimination by a member of the NYSID community should take immediate action. Every effort will be made to preserve confidentiality and to protect the rights of all involved.

Student complaints regarding discrimination or harassment should be submitted, preferably in writing to: Title IX Coordinator. The complaint should clearly state the nature of the grievance, the person(s) involved and provide as much detailed information as possible (e.g., witnesses to the conduct in question, similar incidents, etc.). Establishing a formal complaint sets in motion other procedures designed to resolve the issues through the most effective and discreet process available.

Any attempt to penalize or retaliate against anyone for filing a complaint will be treated as a separate violation and should be reported to either the Title IX coordinator or the Deputy Title IX Coordinator.

The Title IX coordinator will conduct a preliminary investigation into the complaint and meet with individuals identified by the grievant and/or others who may be reasonably expected to shed light on the matter.

Once a formal complaint is lodged against an individual, that person will be informed of the complaint and given an appropriate amount of information about the complaint to keep the investigation from being compromised.

Formal complaints will be reviewed on an individual basis. Disciplinary proceedings and sanctions are detailed in this handbook under Judicial Procedures (Non-Academic).

Bias Crimes

Bias or hate crime prevention is of extreme importance to the New York School of Interior Design and the College is committed to preventing such crimes. Bias-related conduct – also referred to as hate crimes or bias-related crimes – are criminal activities motivated by bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation, veteran or military status, disability, national origin, gender identity or any other legally protected status. Bias related crimes are defined under New York State Hate Crimes Act of 2000, New York State Penal Code Article 485.

If you are the victim of or witness to a hate/bias crime on campus, contact the Campus Safety Office at extension 410 or a Campus Security Authority (CSA). If the incident is off-campus dial 911 for the New York City Police Department.

Support systems are in place for any bias-related crime through NYSID Counseling Services.

The College conducts workshops each semester to include bias/hate crime prevention. Public safety services include routine transmittal of crime information and emergency phone numbers.

Documented violations will result in disciplinary procedures and school sanctions.

Missing Resident Student

NYSID does not have an on-campus residential facility. Students reside at an off-campus facility managed by an independent organization. If, however a member of the NYSID community believes a student residing in that facility is missing, the Dean of Students should be notified. The Dean will then notify the New York City Police Department for investigation. If the NYPD determines that the student has been missing for 24 hours, NYSID will notify appropriate student contact person(s).

Crime Statistic Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the New York School of Interior Design reports the following statistics for the three previous calendar years (January 1 through December 31, 2020, 2021, and 2022). This report is compiled and reported by the Campus Safety Office using statistics obtained from New York City Police Department (NYPD), Campus Safety Office Staff and Campus Security Authorities (CSA's) and annually submitted to the U.S. Department of Education.

ANNUAL SECURITY REPORT: CRIME STATISTICS 2020-2022									
	On-Campus			Non-Campus Property			Public Property		
Offense	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	0	0	0
Sexual Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0

Advisory Committee on Campus Safety and Security

The Advisory Committee on Campus Security (NY State Education Department Article 129-A of the Education Law) reviews current policies and procedures on campus security issues and make recommendations for their improvement. The committee will report these findings in writing to the College president and the report will be available upon request.

The Advisory Committee on Campus Safety and the Campus Safety Officer will provide upon request all campus crime statistics as reported to the United States Department of Education. These statistics are available at www.ope.ed.gov/security and on the NYSID website. Requests for a hard copy of the Annual Security Report can be directed to:

Advisory Committee on Campus Security
 Dean of Students Office
 170 East 70 St, NY, NY 10021
 212-472-1500, ext. 202

or

Campus Safety Officer
 170 East 70th Street, NY, NY 10021
 212-472-1500, ext. 420

Drug-Free Schools Amendment

NYSID has adopted regulations in accordance with the provisions of the Drug-Free Schools and Communities Act Amendment to the Higher Education Act of 1965. The Drug-Free Schools and Communities Act requires colleges to adopt and implement a program to combat the unlawful possession, use, or distribution of illicit drugs and alcohol. The policies and procedures detailed in this program apply to all members of the New York School of Interior Design – students, faculty, and staff – and to all events and activities that occur at the College, as well as school events and activities that may occur off-campus. This program is intended to work within general administrative procedures and student codes of conduct. In addition, faculty, staff, and students are reminded that it is the responsibility of the members of this community, both individually and collectively, to comply with applicable local, state, and federal laws controlling drug and alcohol possession, use, or distribution.

This policy is reviewed regularly and amended or revised in accordance with changes in local, state, and federal laws and regulations.

Health Risks of Alcohol Abuse/Illicit Drug Use

Alcohol consumption and/or use of illicit drugs cause marked changes in behavior. Even low use significantly impairs the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low-to-moderate use also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high use causes marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high use causes respiratory disease, depression, and death. If depressants are combined, much lower use will produce the same effects. Repeated use can lead to dependence. Sudden cessation of intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol and drug withdrawal can be life threatening. Long-term consumption, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Educational programming regarding drug and alcohol abuse is conducted each semester through workshops and presentations. Resources for support and rehabilitation services are available through NYSID Counseling Services. (Refer to the NYSID Student Handbook section on Counseling Services for further information).

Standards of Conduct in Relation to Drugs and Alcohol

NYSID is committed to creating an environment for its students, faculty, and staff free of drug and alcohol abuse. NYSID strongly believes that a combination of preventive education about drug and alcohol abuse and counseling support for those with drug- and alcohol-related problems is the most effective means to achieve and maintain this environment.

NYSID has developed guidelines controlling the consumption of alcoholic beverages and strictly prohibits the use of illicit drugs within the school environment or at off-campus events sponsored by NYSID. Accordingly, NYSID has adopted standards of conduct concerning the use and abuse of illicit drugs and alcohol.

The unlawful possession, use, or distribution of illicit drugs on College premises or at College activities is strictly prohibited.

Serving, possession, and consumption of alcoholic beverages must comply fully with New York State and appropriate local laws. Based on such laws, the following standards must be respected:

Persons under age 21 are prohibited from possessing any alcoholic beverage at the College or at any event sponsored by the College or by any school organization. Accordingly, no person shall be served an alcoholic beverage if that person is under the legal drinking age of 21, or seems to be intoxicated.

No person under age 21 shall use fraudulent proof of his or her age to gain possession of alcoholic beverages being served.

No person shall misrepresent one's age or that of another person under 21 to purchase or attempt to gain possession of alcoholic beverages being served at a school-sponsored event.

At all events or activities at which any alcoholic beverage is to be served, the individual or group sponsoring the event shall be responsible for compliance with all laws and regulations as well as NYSID policies regarding alcoholic beverages. Any action or situation that recklessly or intentionally endangers the mental or physical health of or involves the forced consumption of alcohol or drugs (hazing) for the purpose of invitation into or affiliation with any organization is prohibited.

NYSID will take appropriate actions to enforce these standards of conduct. Individual students who violate this or related policies shall be subject to the appropriate disciplinary process and sanctions.

To further its educational mission, NYSID seeks to assist those with alcohol- and drug-related problems to obtain counseling and support services and to participate in rehabilitation programs. Details of health risks of drug and alcohol abuse, as well as information regarding available counseling and rehabilitations are contained in this handbook. At the discretion of the College administration, an alternative or additional disciplinary action may involve participation in and satisfactory completion of an appropriate counseling or rehabilitation program.

Criminal Sanctions

The unlawful possession, use or distribution of illicit drugs and alcohol are punishable to the full extent of the laws of the U.S. government and the state of New York. Where illicit drugs are involved, the seriousness of the offense and the penalty imposed upon conviction usually depends on the individual drug and the amount of the drug held or sold. For example, in New York State the criminal possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15-25 years and a maximum of life in prison. The sale of two ounces of cocaine will be similarly treated. The criminal possession of more than eight ounces of marijuana is a class E felony, punishable by up to four years in prison, as is the sale of more than 25 grams of marijuana. It is important to be aware that, in New York, if one gives or offers drugs, including marijuana, it is treated as a sale. Federal penalties are similar to those imposed by the state.

A person need not be in actual physical possession of a controlled substance to be guilty of a crime. Similarly, the presence of certain substances, including marijuana, in open view under circumstances

demonstrating intent to prepare the substance for sale is presumptive evidence of knowing possession of anyone in close proximity.

Criminal penalties may also result from the misuse of alcoholic beverages. In New York, if one gives or sells an alcoholic beverage to a person less than 21 years of age, the person is committing a class B misdemeanor, punishable by up to three months in jail and/or a \$500 fine. Any sale of any kind of alcoholic beverage without a license or permit is also a misdemeanor punishable by a fine, a jail term, or both. Persons under age 21 are prohibited from possessing alcoholic beverages with intent to consume them. Each violation is punishable by a \$50 fine. The beverages may also be seized and destroyed by appropriate internal or external authorities. An individual can be fined up to \$100 and/or required to perform community service if he/she is under 21 and presents a falsified proof when attempting to purchase alcoholic beverages. A person can have a driver's license suspended for 90 days if he or she is under 21 and uses a driver's license to try to purchase alcohol illegally.

It is NYSID's policy to encourage faculty, staff, and students to comply with federal, state, and city laws. Where appropriate, the College will cooperate fully with relevant government authorities regarding the prosecution of such violations.

Hazing

Any action or situation which recklessly or intentionally endangers the mental or physical health of or involves the forced consumption of alcohol or drugs for the purpose of invitation into or affiliation with any organization is prohibited.

Annual Fire Safety Report

Student Residence

The New York School of Interior Design does not have an on-campus residential facility. Students reside at non-campus facilities managed by independent student housing organizations, Educational Housing Services (EHS) and Found Study. Fire safety information for the residence is published by these organizations. The fire log is kept and maintained by these organizations and can be viewed at each of the residence locations.

General NYSID Fire Safety

If a fire occurs in a NYSID building, community members should immediately notify the FDNY by calling 911. We strongly encourage people reporting a fire to FDNY to also report that incident as soon as practicable to the Facilities Department and Campus Safety Office. If a member of the NYSID community finds evidence of a fire that has been extinguished, and the person is not sure whether FDNY has already responded, the community member should immediately make the notifications listed above. Fire alarms alert NYSID community members of potential hazards and community members are required to heed their warning. Community members should familiarize themselves with the exits in each building. During a drill or a real fire, there is no differentiation between the sirens and strobe lights used. To ensure safety, all fire drills are taken as seriously as a real fire. Fire alarms and strobe flairs are used to alert NYSID community members of potential hazards and community members are required to heed their warning. If fire or smoke is on your floor:

- Pull the nearest fire alarm (or after reaching a safe area, call 911 and then the NYSID internal stairwell phone or by calling 212-472-1500.
- Alert other people on your floor.
- Move quickly to the nearest smoke free stairway and evacuate or as otherwise instructed.
- Do not use the elevators.
- Each building has different means of evacuations and community members should familiarize themselves with the exits in each building.
- Notify the front desk receptionists of any persons who may need special assistance, or with physical disabilities, who cannot use stairs unaided.
- Know the location of the fire extinguishers; pull stations, exits and evacuation routes.
- Do not attempt to extinguish a fire unless it is safe to do so. Do not risk personal harm.
- If there is smoke in the room, keep low to the floor.
- Try to exit the room. Feel the doorknob. If it is hot, do not open the door.
- If the doorknob is not hot, brace yourself against the door and crack it open. If there is heat or heavy smoke, close the door and stay in your room.
- Seal up the cracks under the door with sheets or towels. If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation.
- Hang a sheet or towel from the window to announce that you are in your room.
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face.
- If in exiting the building you are blocked by fire, go to the safest fire free area, or stairwell.
- Don't panic.

Portable Electrical Appliances, Smoking and Open Flames

No student, faculty or staff is permitted to smoke, have an open flame or burn incense of any kind in the facility. No hotplates, percolators, space heaters or high heat generating kitchen appliances are permitted. Microwaves are supplied by the facility. Smoking is NOT PERMITTED in any NYSID building or within 25 feet of all entrances to any NYSID buildings.

Procedures for Students and Employees in the Event of a Fire in any NYSID Facility

Find the nearest pull station, and sound central alarm.

- Find the nearest pull station and sound central alarm
- Shut all doors and windows in the vicinity of the fire.
- If the fire is small, use fire extinguishers to put it out.
- Exit by nearest safe stairway. Do not use the elevators. Do not run.
- If there is smoke in the room, keep low to the floor.
- Try to exit the room. Feel the doorknob. If it is hot, do not open the door.
- If the doorknob is not hot, brace yourself against the door and crack it open. If there is heat or heavy smoke, close the door and stay in your room.
- Don't panic.
- Seal up the cracks under the door with sheets or towels. If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation.
- Hang a sheet or towel from the window to announce that you are in your room.
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face.
- Close all doors.
- If in exiting the building you are blocked by fire, go to the safest fire free area, or stairwell. If a phone is available call 911, or find a window and signal that you are still in the building.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly.
 - DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.

- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of NYSID policy.
- Almost three-fourths of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any NYSID building.

Fire Drills

Fire drills are conducted throughout the year in accordance with New York City Fire Department Codes. All students, faculty and staff are required to participate. If a fire alarm is sounded in the 69th or 70th street buildings, calmly proceed to the nearest exit in an orderly manner using only the staircases, and leave the building or follow the directions of the floor warden. Elevators are not to be used when exiting the school while the fire alarm is sounding. At 401 Park Avenue South, please listen carefully for instructions through the Public Address system for detailed instructions.

How to use a fire extinguisher: Extinguishers are located in every stairwell, hallway and in most classrooms

Using the **PASS** technique:

1. **P**ull the pin from the handle.
2. **A**im at the base of the fire.
3. **S**queeze the handle.
4. **S**weep from side to side at the base of the fire.