

Pratt Institute

Title IX, Nondiscrimination, and Anti-Harassment Policy

I. INTRODUCTION	3
A. Purpose Of This Policy	3
B. Statement Of Nondiscrimination	3
C. Title IX of the Education Amendments of 1972	4
D. Application of Section 504/Americans with Disabilities Act to this Policy	4
E. To Whom This Policy Applies	4
1. Online Harassment and Misconduct	5
F. Academic Freedom and Freedom of Expression	6
II. KEY DEFINITIONS	6
III. PROHIBITED CONDUCT	11
IV. TITLE IX COORDINATOR	17
A. Delegation of Duties Under This Policy	17
V. CONFLICTS OF INTEREST OR BIAS	17
VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS	18
VII. CONSENSUAL RELATIONSHIPS	18
VIII. SEXUAL MISCONDUCT, DISCRIMINATION AND HARASSMENT BILL OF RIGHTS	19
IX. BURDEN AND STANDARD OF REVIEW	19
X. REPORTING HARASSMENT AND DISCRIMINATION	20
A. How to Make a Report to the Institute	20
1. Reporting to the Title IX Coordinator	20
2. Bystander Reports	21
3. Anonymous Reporting	21
4. Public Awareness Events	21
5. Reports with Employee Respondents	22
6. Reports with Third-Party Respondents	22
7. Section 504/Americans with Disabilities Act Discrimination Reports	22
B. Employee Reporting Obligations	22
1. Pregnancy or Related Condition Disclosure	23
C. Amnesty	23
D. Privacy, Confidentiality, and Resources	23

1. Confidential Reporting Options	24
2. Confidential Resources	25
3. Non-Confidential Resources	26
E. Reporting to Law Enforcement	26
1. Orders of Protection	27
2. Local Protections and the Local Police Department	27
3. Hate Crime Reporting	27
F. External Reporting	28
G. False Allegations and Information	29
XI. RESPONDING TO A REPORT	29
A. Initial Contact	29
B. Initial Intake and Assessment	30
C. Requests for Confidentiality or No Further Action	31
D. Supportive Measures	32
E. Emergency Removal	33
F. Administrative Leave	33
G. Progression of Report to Formal Complaint	34
H. Dismissal of a Formal Complaint	34
I. Referrals for Other Misconduct	35
J. Consolidation of Cases	36
K. Student Withdrawal or Employee Resignation while Matters are Pending	36
XII. OPTIONS FOR RESOLUTION	37
A. Support-Based Resolution Process	37
B. Notice of Allegations and Investigation	38
C. Informal Resolution	39
1. Initiating the Informal Resolution Process	40
D. Formal Resolution Process:	41
1. Investigation	41
2. Evidence Review	43
3. Hearing	44
a. Hearing Procedures	45
b. Impact Statements	50
c. Hearing Outcome	50
E. Disciplinary Sanctions and Remedies	51
1. Failure to Complete Sanctions/Comply with Responsive Actions	52

F. Appeals	53
G. Resolution Timeframes	54
XIII. TRANSCRIPT NOTATIONS	56
XIV. RECORD RETENTION	57
XV. POLICY REVIEW & REVISION	57

I. INTRODUCTION

A. Purpose Of This Policy

This policy is effective January 28, 2025 and identifies and defines conduct prohibited under this policy, the procedures for reporting Title IX concerns, discrimination, harassment and sexual misconduct, and the process that will be used to respond to allegations of Prohibited Conduct throughout Pratt Institute’s educational program.

Pratt Institute (“the Institute” or “Pratt”) will act on all notices of allegations of discrimination, harassment, or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the Institute provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with local, state, and federal law.

Situations involving other conduct that may be in violation of other Institute student or employee conduct policies should be reported to Student Affairs for matters involving students, or Human Resources for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to the Campus Safety Department.

B. Statement Of Nondiscrimination

Pratt Institute does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, the Institute does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex, sex stereotypes, sex characteristics, pregnancy or related conditions (including childbirth), sexual orientation, gender, gender identity or expression, age, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected under applicable local, state or federal law.

The Institute will promptly and effectively address any such discrimination of which it has knowledge or notice according to the procedures below and any applicable collective bargaining agreement.

At the conclusion of the processes identified in this policy, union represented employees may avail themselves of protections afforded to them by applicable collective bargaining agreements.

C. Title IX of the Education Amendments of 1972

Pratt Institute does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities within the United States on the basis of sex. As a recipient of federal financial assistance for education activities, the Institute is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex.

D. Application of Section 504/Americans with Disabilities Act to this Policy

In both practice and policy, Pratt Institute adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The Institute is committed to providing individuals with disabilities equal access and opportunity, and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of campus life.

As related to the implementation of this policy, parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point, including making a disclosure or report, and initiating a resolution procedure. Accommodations will be granted if they are appropriate and 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 Institute programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Learning/Access Center for students and/or Human Resources for employee accommodations to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.

E. To Whom This Policy Applies

This policy applies to the entire Pratt Institute community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties

such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in Institute sponsored activities, including on study abroad programs.

This policy may also pertain to instances in which the conduct occurred outside of the campus or Institute sponsored activity, including online activity, if the Institute determines that the off-campus conduct affects a substantial Institute interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission. When such incidents are reported to the Institute, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address off-campus or online conduct whose effects contribute to limiting or denying a person access to the Institute's education program or activity.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the Institute community on the basis of a protected category is in violation of this policy.

Any respondent who is not an Institute student, faculty member, or staff member is generally considered a third party. The Institute's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the institution. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office.

The status of a party, incident location, date of incident, or incident nature may impact which resources and remedies are available to parties, as described in this policy.

Alleged incidents of Prohibited Conduct under this policy occurring on or after the original effective date of this policy will follow the protocols and procedures outlined in this policy. Resolution of reports made under this policy that occurred prior to the effective date of this policy, shall follow the protocols and procedures outlined in this policy, unless otherwise directed by the Title IX Coordinator. However, the definitions of Prohibited Conduct in effect at the time of the incident will govern, unless otherwise directed by the Title IX Coordinator.

1. Online Harassment and Misconduct

The Institute's policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the Institute's education program and activities or when they involve the use of Institute networks, technology, or equipment.

Although the Institute may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the Institute, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Institute's community.

F. Academic Freedom and Freedom of Expression

Pratt Institute is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. The Board of Trustees reinforced these ideals by passing a resolution on freedom of expression in 1992:

"It is resolved that: Pratt Institute supports and upholds freedom of speech and other forms of expression because these freedoms are essential to an educational mission and to ideas, values, and opinion. At the same time, Pratt recognizes that such freedoms exist in the context of law and responsibility by one's actions and, therefore, the exercise of these rights must not deny the same rights of others."

This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane but controversial or sensitive subject matters protected by academic freedom.

Members of the Institute's community are free to express their views on any academic subject — regardless of whether those viewpoints are provocative or controversial, however such conduct may not infringe on the rights of others or create a hostile environment. Off-campus speech by employees, whether online or in person, may be regulated by the Institute only when such speech has an impact on their employment with the Institute.

The Title IX Coordinator will take action as needed to restore or preserve a person's access to the Institute's education program or activity, as appropriate and necessary.

II. KEY DEFINITIONS

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. The Institute will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, advisors shall not participate directly in the process. The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding. The Institute will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

A union-represented employee is also entitled to have a union representative present in addition to their advisor of choice. The advisor and/or union representative may consult with the party that they are assisting at appropriate times, but may not interfere with the investigation or complaint resolution process.

A party requiring an accommodation to participate in the process may also be entitled to have an additional person present in addition to their advisor of choice, if necessary for the purpose of providing the accommodation. This additional person and/or advisor may consult with the party that they are assisting at appropriate times, but may not interfere with the investigation or complaint resolution process.

Affirmative Consent: 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 does not in and of itself, 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. 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. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Days: any reference to days refers to business days when the Institute is in normal operation.

Amnesty: a provision whereby a student who makes a report or assists another in making a report to the Institute or who participates in the resolution of a complaint under this policy will not be subject to the Institute's policy concerning alcohol or drug use for actions that may have occurred at or near the time of the Prohibited Conduct defined within this policy, unless the alcohol or drug-related misconduct threatens the health or safety of another.

Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in an Institute program or activity at the time of the alleged misconduct.

Confidential Resources: any individual identified by the Institute who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Conflict of Interest: occurs when an individual's personal interests – family, friendships, financial, or social factors - or professional responsibilities could compromise an individual's judgment, decisions, or actions.

Decision Maker: Trained professional designated by the Institute to decide responsibility, sanction, or appeals. A Decision Maker may be one person, or a panel of multiple people as determined by the Institute. The Title IX Coordinator may not serve as a Decision Maker.

Disclosure or Report: A disclosure or report may be made by anyone to the Title IX Coordinator, whether they learned about conduct potentially constituting Prohibited Conduct under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation. A disclosure or report is not considered to be a formal complaint. A party may make a disclosure or report and then subsequently file a formal complaint. The Title IX Coordinator has the discretion to sign a formal complaint and refer any disclosure or report to a resolution procedure consistent with this policy to resolve the allegation of Prohibited Conduct.

Education Program or Activity: Pratt's "education program or activity" includes:

- Includes any program or activity in any on-campus facility, property, or building owned or controlled by the Institute.
- Includes all campus operations.
- Any off-campus premises that Pratt has substantial control over. This includes buildings or property owned or controlled by a recognized student organization; field trips; online classes; athletic programs; conduct and subject to the Institute's disciplinary authority that occurs off-campus.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Pratt's programs and activities over which Pratt has substantial control.
- Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Finding: a written conclusion by a preponderance of the evidence, issued by a Decision Maker(s), that the conduct did or did not occur as alleged.

Final Determination: A conclusion by the standard of proof that the alleged conduct did or did not violate a Pratt Institute policy.

Formal Complaint: Formal complaint means a document (hard copy or electronic) submitted or signed by the complainant or signed by the Title IX Coordinator alleging that a respondent committed Prohibited Conduct and requests initiation of the formal or informal resolution procedures consistent with the policy to resolve the allegation of Prohibited Conduct.

Hearing Coordinator: An individual trained to facilitate the logistics and technology of a hearing. The Hearing Coordinator may be the Title IX Coordinator.

Hostile Environment: is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

Incapacitation: occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, the Institute will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the

reasonable person is both sober and exercising sound judgment. The fact that the respondent was unaware of the complainant's incapacity due to the respondent's own drug or alcohol use shall not be considered as an excuse.

No Contact Order: A No Contact Order is a document issued by an Institute administrator that is designed to limit or prohibit contact or communications between the parties. Generally, a No-Contact Order will be mutual, with the exception that a unilateral No-Contact Order directing that the respondent does not contact the complainant be required by applicable law. No-Contact Orders will be unilateral when issued as either a sanction or remedy.

Official Communication: Communication between the Institute and parties, witnesses, or other individuals relevant to this policy. All official communications under this policy are written and sent to the student or employee's assigned Pratt Institute email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official Institute records, or personally delivered to the intended recipient. Official communication includes, but is not limited to all notices of allegation, investigation, or hearing; procedural correspondence; supportive measures; and determination letters.

Party/Parties: Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

Pregnancy or Related Conditions: include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Remedies: Remedies means measures provided, as appropriate, to a complainant or any other person the Institute identifies as having had their equal access to the Institute's education program or activity limited or denied by discrimination or other Prohibited Conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after the Institute determines that Prohibited Conduct occurred. Only the complainant will be informed of any remedies pertaining to them, except when doing so impairs the ability of the Institute to provide the remedy. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanction: A consequence imposed on a respondent who is found to have violated this policy.

Student: Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate, or other program offered by the Institute.

Supportive Measures: Supportive measures are non-disciplinary and non-punitive individualized services provided by the Institute, free of charge, to the complainant or respondent to restore or preserve equal access to the Institute's education program or activity, protect the safety of the parties, or protect the Institute's educational environment without unreasonably burdening either party.

Title IX Coordinator: At least one official designated by the Institute to ensure oversight of compliance with Title IX and the Institute's Title IX program. References to the Title IX Coordinator throughout the policy may also encompass a designee of the Title IX Coordinator for specific tasks.

Violence: means the use of, or threatened use of, physical force with intent, effect, or reasonable likelihood of causing pain, harm, injury, or damage to any person or property.

III. PROHIBITED CONDUCT

This policy prohibits the following conduct defined below. The acts referenced below shall also be referred to as Prohibited Conduct under this policy.

Discrimination

Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Discriminatory Harassment

Discriminatory Harassment is unwelcome non-verbal or physical, verbal, or online conduct where such conduct is based on actual or perceived membership in a protected category and subjects an individual to inferior terms, conditions, or privileges that unreasonably interfere with an individual's work or academic performance or creates an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Protected categories include race, religion, hearing status, color, sex, pregnancy and related conditions, political affiliation, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, body size, age, marital status, family relationship, sexual orientation, gender, gender identity or expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law.

Hate Crimes

A hate crime is a criminal act involving violence, intimidation, and destruction of property based upon bias and prejudice. As defined by article 485 of the New York Penal Law, a hate crime is when a person commits a specified offense and either:

- Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Title IX Sexual Harassment

Is conduct on the basis of sex that satisfies one or more of the following:

- An Institute employee conditions the provision of an aid, benefit, or service of the Institute on an individual's participating in unwelcome sexual conduct; or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity; and Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.

Non-Title IX Sexual Harassment

Unwelcome conduct based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender, or gender identity or expression that is so severe and/or pervasive that it has the purpose or effect of unreasonably interfering with a person's employment, academic performance or participation in the Institute's programs or activities, or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile, or offensive.

Sexual Assault¹

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:

Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the Complainant or by the Respondent's sex organ, without the consent of the Complainant. This includes instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

Fondling²—The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. Or, the intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Dating Violence

Violence committed by a Respondent:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the following factors:
 - The length of the relationship;

¹ This definition set is not taken from the FBI Uniform Crime Reporting (UCR) system verbatim. Pratt has substituted Complainant for "victim," has removed references to his/her throughout, and has specified certain body parts. Pratt also kept the term "Fondling" instead of "Criminal Sexual Contact," which NIBRS updated in 2025 guidance documents.

² Contact with private body parts is considered to be done for the purpose of sexual degradation, sexual gratification, or sexual humiliation unless: (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical (or other privileged) purpose and thus is conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual); (4) the contact involves a Respondent who cannot developmentally understand sexual contact or that their contact is sexual; or (5) The contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act(s).

- The type of relationship; and
- The frequency of interaction between the people involved in the relationship.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Domestic Violence³

Felony or misdemeanor crimes of violence committed by a Respondent on the basis of sex who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the Institute, or a person similarly situated to a spouse of the Complainant;
- Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- Shares a child in common with the Complainant; or
- Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

Stalking

Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Sexual Coercion

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

Is the 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.

Prohibited Conduct Specific to New York Sexual Harassment in Employment Situations

³ To categorize an incident as Domestic Violence under the Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

In the State of New York, the following definition of sexual harassment will be applied to situations involving employees when the definitions above are not applicable, as determined by the Title IX Coordinator.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

New York State workplace sexual harassment can take a variety of forms. Examples include, but are not limited to:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the Institute, a student, or an employee or other person authorized by the Institute to provide aid, benefit, or service under the Institute's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not retaliation.

Retaliation should be promptly reported to the Title IX Coordinator. At the discretion of the Title IX Coordinator, retaliation may be investigated and resolved via the procedures set forth in this policy or retaliation may be referred to Human Resources or Student Code of Conduct for investigation and resolution as applicable.

IV. TITLE IX COORDINATOR

The Institute is committed to promoting a diverse, equitable, and inclusive working and learning environment free from discrimination and harassment. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the Institute's response, investigation, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any individual to discuss this policy or the accompanying procedures and can be contacted at:

Michael Arno - Director of Institutional Equity and Title IX, Title IX Coordinator
200 Willoughby Avenue
Brooklyn, NY 11205
718-687-5171
marno58@pratt.edu or titleix@pratt.edu

A. Delegation of Duties Under This Policy

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by the Institution, including to external professionals.

V. CONFLICTS OF INTEREST OR BIAS

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter.

- Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Assistant Vice President for Student Affairs/Dean of Students who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue.
- Should any Investigator, Decision Maker(s), or Appeals Officer have a conflict of interest, the Investigator, Decision Maker(s), or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate.

- After a Notice of Allegation/Investigation is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) business days from the date of the Notice of Allegation/Investigation to object to the selection of the Investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the Assistant Vice President for Student Affairs/Dean of Students. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.
- After a Notice of Hearing/Appeal review, any party may object to the participation of any Decision Maker or Appeal Officer on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) business days from the date of the Notice of Hearing/Appeal to object to the selection of the Decision Maker(s) or Appeal Officer(s). Objections to the appointment of the Decision Maker(s) or Appeal Officer(s) are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated the individual shall be replaced. Any change will be communicated in writing.

VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the Institute report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the Institute to issue a warning to the community in certain circumstances. New York State Education Law requires that the Institute report aggregate data about the reports of hate crimes, domestic violence, dating violence, stalking, and sexual assault.

In the statistical disclosures and warnings to the community, the Institute will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to the Campus Safety Department when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

VII. CONSENSUAL RELATIONSHIPS

Pratt Institute prohibits romantic or sexual relationships between faculty/staff and undergraduate students. Further, the Institute prohibits romantic or sexual relationships between faculty/staff and graduate students if they are active within the same school, department, or program, or if the faculty

member has any academic, professional or supervisory authority over the graduate student. Violations of this prohibited conduct are addressed through the process identified in the Community Standards for Faculty and Staff.

VIII. SEXUAL MISCONDUCT, DISCRIMINATION AND HARASSMENT BILL OF RIGHTS

Sexual Misconduct, Discrimination and Harassment Bill of Rights

All Pratt community members have the right to:

- Make a report (or decline to report) to local law enforcement and/or state police;
- Have disclosures of Sexual Assault, Domestic Violence, Dating Violence, and Stalking and all other forms of Prohibited Conduct treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the complaint resolution process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the Institute courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few representatives of the Institute as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the Institute, any student, the respondent, and/or their friends, family and acquaintances within the jurisdiction of the Institute;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a complainant or a respondent during any meetings and hearings under the policy and procedures; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or complaint resolution process of the Institute.

IX. BURDEN AND STANDARD OF REVIEW

The Institute has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the Institute and does not indicate responsibility. The standard of proof used in any investigation and decision making process is the preponderance of the evidence standard, which means more likely than not.

X. REPORTING HARASSMENT AND DISCRIMINATION

A complainant has the option to report or decline to report Prohibited Conduct to the Institute, law enforcement, and/or other authorities. There are various resources and reporting options, both internal and external to the Institute, available to individuals as needed or desired. The Institute also provides individuals with the opportunity to discuss the alleged incident with a trained professional on campus and understands that parties may wish to discuss the incident with the assurance that the discussion will be confidential. All of these options are provided and explained below.

A. How to Make a Report to the Institute

All reports of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with the Institute and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, the Institute will give consideration to the party bringing forward a report with respect to how the matter is pursued. The Institute may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the Institute not initiate an investigation.

There is no timeline for making a complaint of Prohibited Conduct under this policy, however, the Institute encourages the prompt reporting of a complaint as the ability of the Institute to pursue the complaint to conclusion may be hindered by the passage of time. Additionally, federal, state, and local regulatory agencies have specific timelines in which complaints must be filed.

1. Reporting to the Title IX Coordinator

Any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim/complainant of conduct), 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 oral or written report.

Michael Arno - Director of Institutional Equity and Title IX, Title IX Coordinator
200 Willoughby Avenue
Brooklyn, NY 11205
718-687-5171
marno58@pratt.edu or titleix@pratt.edu

A disclosure 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. Please [click here](#) or visit https://cm.maxient.com/reportingform.php?PrattInstitute&layout_id=6 to report any misconduct related to this policy.

A reporting party has the right to withdraw a report or involvement from the Institute's process at any time. If the Respondent is an employee of the Institute, the reporting party has the right to disclose the incident to the Institute's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority.

2. Bystander Reports

If the Institute receives a report of alleged Prohibited Conduct by someone other than the alleged victim/complainant (e.g., by a friend or coworker, roommate, resident advisor), the Institute's Title IX Coordinator will promptly notify the alleged victim/complainant of the report, and inform the alleged victim/complainant of the available resources and assistance. To the extent possible, the Institute will respond to the report as if the victim/complainant had made the initial report.

3. Anonymous Reporting

Reports regarding Prohibited Conduct may be made anonymously and still prompt a need to investigate. Anonymous reports will be preliminarily investigated, to the extent possible, both to assess the underlying allegation(s) and to determine supportive measures. However, anonymous reports often limit the Institute's ability to investigate and respond, depending on what information is shared. The Institute will still endeavor to provide supportive measures to all complainants, which may be a challenge with an anonymous report where the complainant is not identified.

4. Public Awareness Events

Generally, information disclosed at public events and in climate surveys does not obligate the Institute to begin an investigation. This includes information shared in classroom writing assignments or discussions, human subjects research, or events such as "Take Back the Night" marches or speak-outs. The information may be used to inform educational and prevention efforts. Support measures may also result from such disclosures without formal Institute action. The Institute will take steps to ensure that answers to required climate surveys and assessments remain anonymous. No personally identifiable information will be included in any published results. Information discovered or produced as a result of these surveys will not be in any court proceeding except as required by a court action.

5. Reports with Employee Respondents

Allegations of Prohibited Conduct against an employee will be addressed by the Title IX Coordinator in partnership with the Institute's Human Resources Department. This includes student-employees when the Prohibited Conduct is alleged to have occurred in the context of their employment.

6. Reports with Third-Party Respondents

Any respondent who is not an Institute student, faculty member, or staff member is generally considered a third party. The Institute's ability to take appropriate corrective action against a third party may be limited, and will depend on the nature of the third party's relationship, if any, to the Institute. The Institute's Title IX Coordinator will determine which office(s) will address allegations against all other third-party respondents.

7. Section 504/Americans with Disabilities Act Discrimination Reports

Generally, allegations of discrimination specific to disability protections under the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, will be reviewed collaboratively by the Title IX Coordinator and the Institute's 504 Coordinator (or designee), and when appropriate, the Institute's Human Resources Department. To maintain compliance with federal and state laws and to provide for the full participation of individuals with disabilities in all aspects of campus life, reports may be referred to the Institute's 504 Coordinator and/or Human Resources for resolution independent of this policy (when Prohibited Conduct defined in this policy is not alleged) or concurrent with this policy (when Prohibited Conduct defined in this policy is alleged).

B. Employee Reporting Obligations

Pratt Institute believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of Prohibited Conduct. All employees, including student employees, with limited exceptions as identified by the Institute, are required to promptly provide to the Title IX Coordinator all complaints or reports of Prohibited Conduct to the Title IX Coordinator and share all information reported or made available to the employee.

Researchers conducting IRB-approved human subjects research study designed to gather information about Prohibited Conduct are not required to report to the Title IX Coordinator disclosures made in the course of that study.

The Institute also encourages employees who themselves experience Prohibited Conduct to bring their concerns to the Title IX Coordinator, though they are not required to do so.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals, and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with the Federal Education Rights and Privacy Act (FERPA).

1. Pregnancy or Related Condition Disclosure

Community members are not required to disclose a pregnancy or related condition to the Institute. Employees who become aware of a student's pregnancy or related condition should provide the student with the Title IX Coordinator's contact information and communicate that the Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the student's educational program.

C. Amnesty

The health and safety of every student at Pratt Institute is of the utmost importance. The Institute recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that violence (including but not limited to dating violence, domestic violence, stalking, or sexual assault) or any Prohibited Conduct under this policy occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Institute strongly encourages students to report dating violence, domestic violence, stalking, or sexual assault or any Prohibited Conduct under this policy to Institute officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of dating violence, domestic violence, stalking, or sexual assault or any Prohibited Conduct under this policy to Institute officials or law enforcement will not be subject to discipline under Pratt's Alcohol and Drug Use Policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the dating violence, domestic violence, stalking, or sexual assault or any Prohibited Conduct under this policy.

This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct.

D. Privacy, Confidentiality, and Resources

The Institute values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean Institute offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The Institute will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While the Institute will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, the Institute cannot, and does not, guarantee that all information related to complaints will be kept confidential.

Generally, the Institute will not share information about a report or record of prohibited conduct under this policy without the permission of the party, unless required by law. The Federal Education Rights and Privacy Act (FERPA) permits institutions to share information with parents/guardians of students when: (i) there is a health or safety emergency, or (ii) when the student is a dependent on either parent's prior year federal income tax return.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a hard copy of materials, and the Institute will make that available in a supervised on-site or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation and result in disciplinary action.

1. Confidential Reporting Options

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate the Institute's policies against Prohibited Conduct without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

The Institute employs confidential employees. These employees include clergy, healthcare professionals, mental health professionals, and other employees identified as confidential by the Institute. For an Institute employee to be confidential, the employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. Disclosures made to

these employees means that information cannot be disclosed to anyone internal or external to the Institute without the expressed permission from the individual disclosing the information.

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 others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused.

2. Confidential Resources

The following is the contact information for on-campus confidential resources for students:

- [Counseling Center](#), 718-687-5356 (Available Monday-Friday 9AM-5PM)
 - *After hours crisis support available after hours by calling 718-687-5356*
- [Health Services](#), 718-399-4542 (Available Monday-Friday 9AM-5PM)

The following is the contact information for confidential resources for employees:

- Employee Assistance Program (EAP Guidance Resources Program)
Call: 800-311-4327
TDD: 800-697-0353
Online: guidanceresources.com
Your company Web ID: GEN311

The following is the contact information for off-campus confidential resources for any individual:

- Safe Horizon: 800-621-HOPE (4673)
- RAINN National Sexual Assault Hotline: 800-656-HOPE
- National Domestic Violence Hotline: 800-799-SAFE
- New York State Domestic Violence Hotline, 1-800-942-6906
- New York State Office of Victim Services, 1-800-247-8035
- New York State Division of Human Rights Sexual Workplace Sexual Harassment: 1-800-HARASS
- Medical/Emergency Rooms
 - Brooklyn: Woodhull Hospital: 718-963-8000
 - Manhattan: Bellevue Hospital: 212-562-5555

These confidential resources can help and provide information regarding medical assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), and resources available through the New York State Office of Victim Services, and law enforcement options.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting on and off campus resources. When a report is made to these resources, you are not making a report to the Institute and it will not result in other supportive

measures, an investigation, or other corrective measures. Any person who desires supportive measures (such as a change in housing, academic or work assignments) or wishes to seek formal action in response to their allegations (such as investigation, hearing, and/or sanctions) must make their report/disclosure to the Title IX Coordinator.

3. Non-Confidential Resources

The Institute also has non-confidential campus resources available to the Pratt community. These non-confidential resources are required to report disclosures of Prohibited Conduct to the Title IX Coordinator.

The following is the contact information for on campus non-confidential resources for any individual:

- Title IX Coordinator: titleix@pratt.edu or 718-687-5171
- Assistant Vice President for Student Affairs/Dean of Students: jkelle30@pratt.edu or 718-687-5443
- Student Support and Advocacy: Studentadvocate@pratt.edu or 718-399-4546
- Pratt Institute 504 Coordinator: esulliv5@pratt.edu / 718-636-3711
- Center for Equity and Inclusion: cei@pratt.edu
- Human Resources Senior Employer Labor Specialist: dsimonette@pratt.edu or 718-687-5438

E. Reporting to Law Enforcement

Some Prohibited Conduct may constitute a violation of both the law and the Institute's policies. The Institute encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. Pratt's Campus Safety Department is available 24/7 to assist you in notifying law enforcement of an incident and in contacting law enforcement or legal service organizations to learn about these remedies (Note: Pratt's Manhattan Campus Safety Department is available during building hours). The decision not to pursue a criminal charge shall not be considered as evidence that there was not a violation of Institute 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. Conduct may constitute Prohibited Conduct under this policy even if it is not deemed to constitute a crime or there is not a finding of a criminal violation.

Resolution proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to the Institute as well as to law enforcement, the Institute may temporarily delay its resolution process if a law enforcement agency requests that Pratt temporarily delay its resolution process while law enforcement gathers

evidence. Temporary delays should not last more than ten (10) business days except when law enforcement specifically requests and justifies a longer delay.

Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and hearings under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses, to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the Institute community or the safety of the Institute as an institution is threatened, any individual with such knowledge should promptly inform the Campus Safety Department. The Institute may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the Institute community and Pratt as an institution.

1. Orders of Protection

Orders of protection may be available to individuals who have experienced or are threatened with violence, through the court system. The Institute will abide by a lawfully issued order of protection. Pratt officials will, upon request, provide reasonable assistance to students and employees in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. If an order of protection is granted, the Complainant and the respondent have the right to receive a copy of the order of protection when the order is received by the Institute. Both parties will also have the opportunity to have an appropriate Institute employee explain the order, the consequences for violating the order, and answer any questions about the order. Additionally, if the respondent violates the order of protection, the complainant may receive assistance from the Institute in calling local law enforcement to inform them of the violation.

2. Local Protections and the Local Police Department

Many localities enforce laws protecting individuals from forms of Prohibited Conduct. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement, coerced sex acts, stalking, or hate crimes the conduct may constitute a crime. Contact the local police department.

3. Hate Crime Reporting

Pursuant to Title 7, Article 129A, §6434 of New York State Education Law, the Title IX Coordinator or designee will report hate crimes occurring at or on property owned or controlled by Pratt Institute to local law enforcement for prompt investigation. Reports to law enforcement are made as soon as practicable but no more than twenty-four hours after receipt of a report of a hate crime. A victim of a hate crime is encouraged, but not required, to cooperate with law enforcement in the investigation of such crimes.

F. External Reporting

An individual who has experienced harassment may file a report/complaint with the Institute only, or may also file a report/complaint with an external enforcement agency. Filing a report/complaint internally with the Institute does not extend the time to file with an external enforcement agency or in court. An attorney is not required to file a complaint with the Institute or an external agency and there is no cost to file a complaint in either venue.

U.S. and New York State Departments of Education

- U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202
Telephone: 1-800-421-3481; TDD: 800-877-8339
FAX: (202) 453-6021
Email: OCR@ed.gov
- Office for Civil Rights, New York Office
U. S. Department of Education
32 Old Slip, 26th Floor New York, NY 10005-2500
Telephone: (646) 428-3800; TDD: 800-877-8339
Fax: (646) 428-3843
Email: OCR.NewYork@ed.gov
- New York State Education Department
Office of Higher Education
89 Washington Avenue
Albany, NY 12234
Telephone: (518) 486-3633
www.nysed.gov

U.S. Equal Employment Opportunity Commission (EEOC)

- Telephone: 1-800-669-4000; TTY: 1- 800-669-6820

Email: info@eeoc.gov
www.eeoc.gov

New York State Division of Human Rights

- NYS Division of Human Rights
One Fordham Plaza, Fourth Floor
Bronx, NY 10458
Telephone: (888) 392-3644; TDD/TTY: (718) 741-8300
www.dhr.ny.gov/complaint

New York City Commission on Human Rights

- NYC Commission on Human Rights
Main Office (Manhattan)
22 Reade Street
New York, NY 10007
Telephone: (212) 416-0197 or call 311 and "human rights"
www.nyc.gov/site/cchr/about/report-discrimination.page

G. False Allegations and Information

Members of the Institute's community are expected to provide truthful information in any report, meeting, or proceeding under this policy. Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action under either the Student Code of Conduct or via Human Resources. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties providing knowingly false evidence or deliberately misleading an official conducting an investigation may be subject to discipline as appropriate.

XI. RESPONDING TO A REPORT

The following process will be used following the receipt of a report of Prohibited Conduct.

A. Initial Contact

Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;

- Written information regarding available campus and community resources, including confidential resources, for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures, including the availability of no contact orders, regardless of whether a complaint is filed and/or any resolution is initiated;
- If applicable, the option to file a formal complaint;
- The options for resolution and how to initiate a resolution process;
- The right to report to law enforcement as well as the right not to report to law enforcement, and/or seek a protective order;
- The importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible (if applicable);
- In the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- The Institute uses the preponderance of the evidence standard when determining responsibility and that this standard is different from the one used in the criminal process;
- The right to an advisor of choice, if applicable, during the Institute's proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited;
- Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court;
- The option to withdraw a complaint or involvement from the institution process at any time;
- Explain the Institute's prohibition against retaliation and that the Institute will take prompt action in response to any act of retaliation.

B. Initial Intake and Assessment

The initial assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate. The Title IX Coordinator will respond to any immediate safety or well-being concerns raised by the disclosure or report. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

C. Requests for Confidentiality or No Further Action

When a complainant requests that the Institute not use their name as part of any resolution process, or that the Institute not take any further action, the Institute will generally try to honor those requests. However, there are certain instances in which the Institute has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to take action. The Title IX Coordinator may consider whether to move forward against a complainant's wishes at any point, including after an initial disclosure or report (whether by the impacted party or another individual), after intake, or after the complainant wishes to withdraw their request to investigate. The factors the Title IX Coordinator may consider when determining whether to act against the wishes of a report/complainant include but are not limited to:

1. The complainant's request not to proceed with initiation of a formal complaint;
2. The complainant's reasonable safety concerns regarding initiation of a formal complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a formal complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the Institute;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing or an escalation of Prohibited Conduct by the respondent, or Prohibited Conduct alleged to have impacted multiple individuals;
7. Whether the respondent has a history of arrests or disciplinary records or if there is an increased risk that the respondent will commit additional acts of violence; and other aggravating circumstances;
8. The availability of evidence to assist a Decision Maker(s) in determining whether discrimination occurred;
9. Whether the Institute could end the alleged discrimination and prevent its recurrence without initiating its resolution procedures under this policy;

10. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the Institute from ensuring equal access on the basis of a protected category to its education program or activity;
11. Whether the incident involves a weapon or violence.

The Title IX Coordinator has ultimate discretion over whether the Institute proceeds when the complainant does not wish to do so. This policy provides the complainant with as much control over the process as possible, while respecting the Institute's obligation to protect its community and follow the law. If the Title IX Coordinator determines that not filing a formal complaint would be clearly unreasonable, then the Title IX Coordinator will sign the formal complaint, inform the complainant or reporting party that it has been signed, and take action as necessary to protect and assist them.

D. Supportive Measures

Supportive measures are non-disciplinary and non-punitive individualized services provided by the Institute, free of charge, to the complainant or respondent to restore or preserve equal access to the Institute's education program or activity, protect the safety of the parties, or protect the Institute's educational environment without unreasonably burdening the either party. Supportive measures can be provided at the time of a report; before, during, or after a resolution process is initiated; or where a report is made but no formal resolution process is initiated. A formal complaint or an individual's participation in a resolution process is not required to obtain supportive measures. Supportive measures will be offered to respondents when they are notified of the allegations.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, extracurricular, or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to discrimination or harassment.

Any supportive measures put in place will be kept confidential, except when doing so impairs the ability of the Institute to provide the supportive measures.

The Institute will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the Institute's program or activity or provide support during the Institute's resolution procedures. At any time, a party may request additional or alternate supportive measures by contacting the Title IX Coordinator.

A party may challenge the Institute's decision to provide, deny, modify, or terminate supportive measures, reasonable under the circumstances, when such measures are applicable to them. Parties

are allowed to submit evidence in support of their challenge. An impartial employee will be designated to consider modification or reversal of the Institute's decision to provide, deny, modify, or terminate supportive measures. When the individual providing supportive measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide supportive measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) business days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks and, if applicable, such violation will be resolved via the existing code or handbook.

E. Emergency Removal

For Title IX Sexual Harassment, the Institute retains the authority to remove a student respondent from the Institute's program or activity on an emergency basis, where the Institute (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the physical health or safety of a complainant or any student, employee, or other individual arising from the allegations of covered Prohibited Conduct justifies a removal, and (3) the Institute provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. The Institute will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For employees, the Institute may defer to its administrative leave provision of this policy.

F. Administrative Leave

The Institute retains the authority to place an employee respondent or student-employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Student-employee respondents may only be placed on administrative leave in the context of their student employment. Administrative leave may be imposed as a supportive measure or emergency removal consistent with applicable law, and/or applicable collective bargaining agreement. An administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

G. Progression of Report to Formal Complaint

If a complainant chooses to file a formal complaint, the Institute will initiate the Formal or Informal Resolution Process. A formal complaint means a document filed by the complainant or signed by the Title IX Coordinator alleging Prohibited Conduct by a respondent and requesting that the Institute resolve the alleged Prohibited Conduct consistent with the formal or informal procedures consistent with this policy.

A formal complaint may be filed with the Title IX Coordinator at any time (including during non-business hours) in person, by mail, by telephone, by electronic mail, or online, using the contact information listed for the Title IX Coordinator in Section X.A.1. A complainant also has the right to withdraw a formal complaint or report from the Institute at any time. If the complainant reports Prohibited Conduct and requests the Institute not engage in formal or informal resolution, the complainant can change that decision and decide to pursue informal and formal resolution at a later date by filing a formal complaint.

As detailed in Section X.C., the Title IX Coordinator may sign a formal complaint on behalf of the complainant when the complainant does not wish to file a formal complaint or proceed with formal or informal resolution.

H. Dismissal of a Formal Complaint

Before dismissing a formal complaint of Prohibited Conduct, the Institute will make reasonable efforts to clarify the allegations with the complainant.

In accordance with 34 CFR §106.45, the Institute must dismiss a formal complaint of covered Title IX Sexual Harassment and not refer the complaint to the resolution process in this policy when the conduct alleged in the formal complaint:

1. Would not constitute Title IX Sexual Harassment, even if proved;
2. Did not occur in the Institute's education program or activity;
3. Did not occur against a person in the United States; or
4. The Complainant is not participating in or attempting to participate in the Institute's education program or activity at the time of filing a formal complaint.

This decision may be made prior to the initiation of the Formal or Informal Resolution Process or during the Formal or Informal Resolution Process. Dismissal of a formal complaint of Title IX Sexual Harassment does not preclude the Institute from taking action on other forms of Prohibited Conduct.

The Institute may dismiss all or part of a formal complaint of any Prohibited Conduct at any time 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 the Institute;
- If specific circumstances prevent the Institute from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint; or
- The Institute determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, the Institute will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Institute will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

The Institute will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section of this policy (XII.F). If dismissal occurs after the respondent has been notified of the allegations, then the Institute will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the Institute will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, the Institute will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that discrimination/Prohibited Conduct does not continue or recur within the Institute's education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

I. Referrals for Other Misconduct

The Institute has the discretion to refer complaints of misconduct not covered by this policy for handling under any other applicable Institute policy or code. As part of any such referral for further handling, the Institute may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other Institute policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from the Institute's student disciplinary processes, by which Institute may bring a discipline charge against a student for violating Institute policy according to the provisions found in Institute's Student Code of Conduct.

J. Consolidation of Cases

The Institute may consolidate complaints under this policy as appropriate: for example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

The Institute also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Affairs and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

K. Student Withdrawal or Employee Resignation while Matters are Pending

If a student or employee respondent permanently withdraws or resigns from the Institution with unresolved allegations pending after receiving knowledge of the formal complaint, the Institute will consider whether and how to proceed with the resolution process. The Institute will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct. The Institute reserves the right to restrict any individual who withdraws or resigns from the Institute with unresolved allegations pending from Institute property or events.

A student respondent who withdraws from the Institute while the process is pending may not register for classes or re-enroll into the Institute without first resolving any pending matters. Such exclusion applies to all Institute campuses and programs. When a student respondent withdraws with pending Prohibited Conduct charges that also constitute a crime of violence, the student's academic transcript will be notated to reflect that the student withdrew from the Institute with conduct charges pending. See Section XIII "Transcript Notations" for more information.

For alleged non-Title IX Prohibited Conduct, the Title IX Coordinator will determine if a student respondent on a leave of absence status is eligible to register for classes or access the Institute's property or events while the process is pending. For all forms of alleged Title IX Sexual Harassment, eligibility for a student respondent on a leave of absence status to register for classes or access the

Institute's property or events while the process is pending will be based on an individualized safety and risk analysis in accordance with the Emergency Removals section of this policy.

The Institute may continue the resolution process remotely, while the student is on a withdrawal or leave status. Such exclusion applies to all Institute campuses and programs.

For employees, the Institute may defer to its administrative leave provision of this policy.

XII. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a complaint or report of Prohibited Conduct. Whenever possible, the Institute will utilize the resolution method chosen by the complainant. When applicable, the Title IX Coordinator will implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in the Institute's programs, services and activities during the resolution of the complaint.

This section includes information on three resolution options: Support-Based Resolution, Informal Resolution, and Formal Resolution. The Institute will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to the Formal Resolution Process.

The Institute will follow these procedures for complaints specific to Title IX Sexual Harassment. For other forms of Prohibited Conduct, the Institute, may in its discretion, follow alternate resolution procedures as appropriate and in compliance with Institute policies and collective bargaining agreements, if applicable. Any alternate process will include at a minimum a fair and thorough investigation and an opportunity for all involved parties to be heard and present evidence supporting their case.

A. Support-Based Resolution Process

A support-based resolution is an option for a complainant who does not wish to file a formal complaint or for the Institute to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

The Institute cannot require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment or any other form of Prohibited Conduct

consistent with this section. Similarly, the Institute cannot require the parties to participate in an Informal Resolution Process under this section. A Support-Based Resolution does not preclude later use of another form of resolution, for example if new information becomes available to the Institute and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue Informal Resolution or the Formal Resolution Process.

B. Notice of Allegations and Investigation

Once a formal complaint is signed and prior to the commencement of the Informal or Formal Resolution Process, the complainant (if applicable) and respondent will receive a Notice of Allegations and Investigation. This Notice shall include, at a minimum:

- The Institute's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
- Information about the Informal Resolution process, with a link to the full procedures;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that retaliation is prohibited;
- Expected length of the major stages of the resolution process, as well as any applicable deadlines;
- Inform the parties that the Investigator or Title IX Coordinator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
- The name and contact information for the appointed Investigator(s);
- The process for raising a challenge to the appointed Investigator or Title IX Coordinator, and the deadline for doing so;
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker(s);
- A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or including an investigation report that accurately summarizes this evidence;
- Resolution process decorum rules which shall include at a minimum:

- Individuals participating in the resolution process are expected to maintain decorum and abide by any expectations detailed in this policy or provided by the Investigator, Decision Maker(s), or Title IX Coordinator. These expectations are applied equally to all parties and advisors.
- Questions must be conveyed in a neutral tone;
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning;
- No party may act abusively or disrespectfully toward any other party, witness, Investigator, or any other resolution process participant;
- Parties may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact, they may not include accusations within the text of the question;
- Parties and advisors may take no action that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.
- No unauthorized audio or video recording of any kind is permitted during any proceeding or meeting. If the Investigator or Title IX Coordinator elects to audio and/or video record interviews, meetings, or proceedings, all involved parties must be made aware of audio and/or video recording.
- The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with any rule of decorum;
- Neither party is restricted from discussing the allegations or gathering and presenting evidence;
- The Institute prohibits knowingly making false statements or knowingly submitting false information during resolution procedures; and
- Informs the parties that if during the investigation, the Institute decides to investigate allegations about the complainant or respondent that are not included in this original notice described above, the Institute will provide notice of the additional allegations to the parties whose identities are known.

C. Informal Resolution

Informal Resolution is an agreement based alternative to the Formal Resolution Process where the parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and/or hearing. An Informal Resolution Process cannot be offered unless a formal complaint is filed.

In accordance with 34 CFR §106.45, an Informal Resolution Process is not permitted when the formal complaint involves allegations of Title IX Sexual Harassment and when the student is the complainant

and an employee is the respondent. Informal resolutions between student complainants and employee respondents may be permitted for all other forms of Prohibited Conduct.

Informal resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. An informal resolution does not necessarily require the parties to meet together. An informal resolution may involve an Institute employee and/or a third-party facilitator, to be selected by the Institute. Anyone designated to facilitate an Informal Resolution Process will not have a conflict of interest or bias. Informal resolution may involve mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. An informal resolution can include an acceptance of responsibility by the respondent. The Title IX Coordinator or designee may also, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties. If informal resolution is initiated, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that discrimination does not continue or recur within the education program or activity.

Any party may design a proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Informal Resolution Process, and approve the final agreement between the parties. Informal resolution may be initiated by any party at any time prior to the release of a hearing or decision maker outcome. Once the final terms of the Informal Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Agreements reached via the Informal Resolution Process are final and cannot be appealed.

At any time, the Title IX Coordinator has the discretion to determine that informal resolution is not an appropriate way to address the reported conduct, and can refer the matter to the Formal Resolution Process.

1. Initiating the Informal Resolution Process

Prior to the initiation of informal resolution, the Title IX Coordinator will provide the parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Informal Resolution Process;
- Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared, and whether the Institute could disclose such information for use in a future Institute resolution/grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;

- Notice that once an agreement is finalized and signed by the parties, the agreement is binding only on the parties, the resolution is not subject to appeal, and the parties cannot initiate or continue an investigation procedure arising from the same allegations;
- A statement that the respondent is presumed not responsible for violating this policy, unless respondent admits to or accepts responsibility for violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice;
- A statement that any party has the right to withdraw from the Informal Resolution Process and initiate or resume formal resolution procedures at any time before agreeing to a resolution;
- Notice that any violations of the agreed terms of the Informal Resolution Agreement may result in referral to the Student Code of Conduct or Human Resources for disciplinary action; and
- Information regarding Supportive Measures, which are available equally to the parties.

D. Formal Resolution Process:

This section includes information regarding the investigation and hearing procedures involving all forms of prohibited conduct matters that are not resolved via Informal Resolution or Support Based Resolution.

1. Investigation

The Investigation is a fact gathering administrative process. All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

The investigation will be performed by appropriate trained persons. Once the decision to commence a formal investigation is made, the Title IX Coordinator will appoint a trained Investigator(s) to conduct the investigation (the "Investigator"). A party wishing to challenge the selection of the Investigator must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator. No Investigator will have a conflict of interest or bias.

Allegations of Prohibited Conduct will normally be investigated within 45 to 60 business days from the issuance of the formal Notice of Allegation and Investigation, though some investigations may take more time depending on the nature and specific circumstances of the case, involvement of law enforcement, and/or availability of witnesses. This timeframe may be paused if the parties enter into Informal Resolution. The Institute will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, timing of the investigation and delay for good cause, if necessary.

During the investigation, the Institute has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the Investigator is responsible for gathering relevant evidence to the extent reasonably possible.

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the Institute to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal, State, or local law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- Evidence provided to an employee designated by the Institute as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Institute obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

The Investigator retains discretion to determine the order and method of investigation, witnesses as unnecessary or inappropriate, and to determine what evidence is relevant. Character evidence is not relevant evidence, and therefore will not be considered. Information will be obtained from each party separately. An Investigation usually involves the following steps and expectations:

- Interviews of the complainant and respondent (e.g. parties), including witnesses, and conduct follow-up interviews with each, as necessary. A good faith effort is made to interview all parties. Interviews are typically conducted via video conferencing software.

- A party's advisor may attend these interviews, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further the Institute's discipline for failure to do so.
- Gathering and reviewing relevant evidence. The parties will be given an equal opportunity to present information in the context of the investigation, such as documents, communications, photographs, and other evidence, and the opportunity to suggest fact and expert witnesses and other inculpatory or exculpatory evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator during the investigation. If relevant evidence is destroyed by a party, the Decision Maker(s) can take that into account in assessing the credibility of the parties, and the weight of evidence in the case.
- Parties whose participation is invited or expected at an investigative interview or other meeting will be provided written notice of the date, time, location, participants, and purpose of said event. Typically Institute employees (who are not a complainant) are required to participate in an investigation.
- Provide the parties the option to submit a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.

2. Evidence Review

At the conclusion of all fact-gathering, the Investigator will prepare a Draft Investigation Report and Evidence File that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence. The parties will have a minimum of ten (10) business days to inspect and review the evidence and submit a written response in writing to the Investigator. This report and evidence file will be shared via a secure electronic file sharing program with each party and their advisor. Typically, only written transcripts of audio or audiovisual recordings are provided in this file. To maintain the privacy of those participating in the process, the Institute reserves the right to only make available at an in-person and monitored

meeting on campus non-transcribed audio or audiovisual recordings or other evidence that cannot be reasonably secured via the file sharing program.

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, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision Maker(s).

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new relevant evidence was submitted as part of evidence review or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have five (5) business days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report. Written responses will be shared between the parties during the final evidence review.

At the conclusion of the comment period, the Investigator will prepare a Final Investigation Report and Evidence File. This report and evidence file will be shared via a secure electronic file sharing program with each party and their advisor. The parties and their advisors will be provided as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a period of ten (10) business days prior to the hearing or decision making process.

Given the sensitive nature of the information provided during both review periods, none of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

3. Hearing

Following the conclusion of the investigation, a hearing will be scheduled. The purpose of a hearing is for the Decision Maker(s) to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy (or any other alleged policy violation that has been referred to this resolution process). Each party shall be provided with a Notice of Hearing, which shall include:

- Information regarding the date of the hearing, the identity of the Decision Maker(s);

- The process to be used at the hearing;
- Instructions on how to access the Final Investigation Report and Evidence File;
- The technology used to conduct the hearing;
- The process for identifying witnesses;
- A statement that if the party or witness does not appear at the scheduled hearing, the hearing may be held in their absence;
- Deadlines for submission of optional comments to the Final Investigation Report and Evidence File or preliminary questions;
- A reminder that the parties may have the assistance of an advisor of their choosing at the hearing and if the party will be required to have an advisor present to conduct cross-examination of the other party and any witnesses; and
- Instructions for scheduling an optional pre-hearing meeting with the Title IX Coordinator.

The hearing shall be scheduled no less than ten (10) business days from the date of the Notice of Hearing and the parties will be provided at least ten (10) business days to review the Final Investigation Report and Evidence File prior to the hearing.

No Decision Maker(s) shall have a conflict of interest or bias. Each party will be provided the opportunity to object to the Decision Maker(s) on the basis of a demonstrated bias or actual conflict of interest. Any objections to the Decision Maker(s) must be made in writing to the Title IX Coordinator, identifying the bias or actual conflict of interest, within three (3) business days of receipt of the Notice of hearing. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Decision Maker(s) and appoint another. This process will repeat for any newly appointed Decision Makers.

a. Hearing Procedures

The hearing will be a live hearing. The Institute expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. At its discretion, the Institute may delay or adjourn a hearing based on technological errors not within a party's control.

The Institute will appoint the Decision Maker(s), who may not be the same person as the Title IX Coordinator or Investigator, and may be a single Decision Maker or Panel of three (3), who will determine whether a violation of the Institute policy has occurred. If compelling circumstances arise that require a change in the hearing date or time, the Institute will provide the parties with written notice explaining the reason for such change. Typically, an advisor's or witness's inability to attend a hearing will not be a compelling reason to change the hearing date or time.

Parties are not obligated to participate in the hearing, however, the Institute may require witnesses that are Institute employees to participate in the hearing process. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness. The Decision Maker(s) shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Both the complainant and the respondent will be provided with the same opportunity to submit information and evidence, including evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the case.

Each hearing shall be recorded by the Institute and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the Institute but shall be available for listening until the conclusion of the appeals process to the Complainant, Respondent, each party's respective advisor, Decision Maker(s), and Appeals Officer(s) by contacting the Title IX Coordinator.

Witness Participation

The parties and the Decision Maker(s) all have the right to identify and request witnesses participate in the hearing. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) business days in advance of the hearing to the Title IX Coordinator.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations.

The list of witnesses requested by the parties will be shared with the Decision Maker(s). The Decision Maker(s) will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Decision Maker(s) may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place. A list of witnesses approved by the Decision Maker(s) will be provided to the parties at least three (3) business days prior to the hearing.

Comments

The parties may submit optional written comments to the Final Investigation Report and Evidence File for the Decision Maker(s). All comments must be emailed to the Title IX Coordinator at least five (5) business days in advance of the hearing. The Title IX Coordinator will provide any submitted comments with the Decision Maker(s) and the other party.

Hearing Statements, Questioning, and Presentation of Evidence

During the hearing, the Investigator(s) will provide an overview of the investigation. Each party will be permitted to provide a brief introductory statement and present evidence. Following introductory statements and evidence presentations, the Decision Maker(s) will call parties, the Investigator(s), and witnesses for questioning. The order of questioning shall be determined by the Decision Maker(s). The Decision Maker(s) will pose questions to the parties, Investigator(s) and witnesses. Each party will be provided the opportunity to conduct cross-examination questioning. Cross-examination questioning is when one party asks the other party(ies), Investigator(s), and witnesses any relevant questions and follow up questions, including those challenging credibility at a hearing. Following the questioning of the parties, the Investigator(s), and witnesses, each party will be permitted to provide a brief closing statement. Closing statements are not subject to questioning by the parties or the Decision Maker(s). An advisor is not permitted to provide an opening or closing statement on behalf of their party.

Cross Examination Procedures for Title IX Sexual Harassment Allegations

In accordance with 34 C.F.R. § 106.45, cross-examination questioning at a hearing resolving allegations of Title IX Sexual Harassment, must be conducted by each party's advisor. Parties are not permitted to directly ask questions of the other party(ies), the Investigator, or any witnesses.

Before any cross examination question is answered, the Decision Maker(s) will determine if the question is relevant. If a question is determined to not be relevant, it may not be answered. Cross examination questions that are harassing and unclear are not permitted. The Decision Maker(s) must give a party an opportunity to clarify or revise any question that the Decision Maker(s) has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked. Questions that are duplicative of those already asked, including those asked by the Decision Maker(s), may be deemed irrelevant.

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(s).

Typically, cross examination questions will be conducted orally. The Decision Maker(s) shall have the authority to determine whether questions shall be submitted in writing (whether by using a "chat" feature of the videoconferencing platform, email, or a similar mechanism), prior to being asked, so as to facilitate the Decision Maker(s)'s ability to understand the question before making any determination of relevance.

Cross Examination Procedures for Non-Title IX Prohibited Conduct Allegations

At least three (3) business days prior to the hearing, each party may submit to the Title IX Coordinator a preliminary list of questions they wish to pose to the other party, to an Investigator, or to a witness at the hearing. The Title IX Coordinator will share this list of questions with the Decision Maker(s) to

determine relevancy. If the Decision Maker(s) determines that any questions are not relevant or seek otherwise impermissible evidence, the Decision Maker(s) shall exclude the question and explain the reason for the exclusion of the question at the hearing.

Direct questioning (including cross-examination) at a hearing can only be conducted by the Decision Maker(s). During the hearing, neither party is permitted to directly or indirectly question/cross-examine the other party, Investigator, or witness. Advisors are not permitted to directly or indirectly question/cross-examine the other party, Investigator, or witness.

During the hearing, the Decision Maker(s) will pose questions to the parties, Investigators, and witnesses including the questions the Decision Maker(s) approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Decision Maker(s) for the Decision Maker(s) to pose to the other party, Investigator, or witnesses. If the Decision Maker(s) determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Decision Maker(s) shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. Questions that are duplicative of those already asked, including those asked by the Decision Maker(s), may be deemed irrelevant if they have been asked and answered.

Hearing Participation Guidelines

The Decision Maker(s) shall have the authority to maintain order and decorum at the hearing. The Decision Maker(s), Title IX Coordinator, or Hearing Coordinator, will have the authority when necessary to adjourn the hearing or exclude from the meeting, process, or hearing an involved party and/or advisors who do not comply with the expectations of decorum.

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, Decision Maker(s), or any other hearing participant.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum. The advisor may not yell, badger, or physically “lean in” to a party or witness’ personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Decision Maker(s).

- The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact, they may not include accusations within the text of the question.
- The parties may not ask repetitive questions. This includes questions that have already been asked by the Decision Maker(s), the advisor in cross examination, or the party or advisor in direct testimony. When the Decision Maker(s) determines a question has been “asked and answered” or is otherwise not relevant, the parties must move on.
- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

The Decision Maker(s) has the authority to determine the relevance of evidence submitted and of questions asked; and to determine whether any questions are abusive, intimidating, or disrespectful, and will not permit such questions.

The Decision Maker(s) or Hearing Coordinator (if applicable) shall have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. During the hearing, the Decision Maker(s) or Hearing Coordinator (if applicable) have the discretion to manage hearing time accordingly. This means limiting opening/closing statements and questioning to specific timeframes. The Decision Maker(s) or Hearing Coordinator will determine when reasonable breaks are permitted and the duration of each break. Parties are permitted to request breaks during the hearing.

Newly-Discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available during the investigation and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing. The Decision Maker(s) will consider this request and make a determination regarding: whether such evidence or witness testimony was unavailable by reasonable effort prior to the hearing, and whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

Role of the Advisor

Each party is entitled to be accompanied by one advisor at the live hearing. The role of the advisor is to assist the party with understanding and navigating the hearing proceedings and, when applicable, to conduct cross examination questioning on behalf of that party. During a live hearing, the advisor may only speak for a party when conducting cross examination for Title IX Sexual Harassment. At all other

times during the live hearing, the advisor may not advocate for, respond for, or otherwise speak on behalf of, a party. In the event that a party does not appear for the hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party unless the party has submitted in writing to the Title IX Coordinator questions to be asked of hearing participants and permission for the advisor to ask the submitted questions on their behalf.

In the event that a party does not have an advisor present at a live hearing resolving Title IX Sexual Harassment, the Institute must provide an advisor, without fee or charge to that party, who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party. Advisors provided by the Institute will typically be Institute employees or contractors that have training and an understanding of the purpose of cross examination.

b. Impact Statements

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached. Impact statements must be submitted to the Title IX Coordinator no more than two (2) business days after the hearing concludes. Impact statements will be provided to the Decision Maker(s) while they are deliberating on appropriate sanctions. The impact statement may be up to three (3) pages single spaced. The Title IX Coordinator will provide the impact statements to the parties for review. The parties may not respond to any submitted impact statements. The Title IX Coordinator will provide any submitted impact statements to the Decision Maker(s), only if there is a finding of responsibility, and only once the Decision Maker(s) is deliberating on appropriate sanctions.

c. Hearing Outcome

The Decision Maker(s) must issue a written determination regarding responsibility using the preponderance of the evidence standard. In reaching this decision, all relevant evidence must be objectively evaluated, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The Decision Maker(s) cannot defer to any conclusions in the investigative report and must make an independent determination of responsibility.

If the Decision Maker(s) concludes that the respondent is responsible for a violation of this policy, then the Decision Maker(s) shall receive the respondent's disciplinary record (i.e., any previous disciplinary action or other violation of Institute policy, including this policy, for which the respondent was found responsible), and the party's impact statements to consider, as appropriate, in determining sanctions. The disciplinary sanction(s) for a violation of this policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the respondent's disciplinary history, and any other information deemed relevant by the Decision Maker(s).

Within ten (10) business days of the conclusion of the hearing process, the Decision Maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator.

The determination report will include:

- A description of the alleged Prohibited Conduct;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Decision Maker(s)'s evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction determination (if applicable);
- Whether remedies will be provided;
- The procedures for an appeal; and
- When the determination becomes final.

The Institute will provide the written determination to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies. The Institute must wait to act on the determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the Institute provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Both parties have the right to choose whether to disclose or discuss the outcome of the Formal Resolution Process.

E. Disciplinary Sanctions and Remedies

Disciplinary sanctions are imposed on a respondent who has been found responsible and range from a warning up to and including expulsion/termination from the Institute. The disciplinary sanction(s) for a violation of this policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the respondent's disciplinary history, previous allegations involving similar conduct, the disciplinary provisions of applicable collective bargaining agreements (for employees represented by a union), and any other information deemed relevant by the Decision Maker(s). The following is a possible list of sanction(s) that may be imposed:

- Behavioral requirement
- Change of class/job assignment and/or housing/work location
- Degree revocation
- Educational and/or restorative requirements or assignments
- Deferred suspension from Institute housing
- Delay/Withholding the awarding of a degree

- Expulsion/termination
- Institute service
- Loss/Restriction of privileges
- Mandatory health referral
- Oral or Written warning/letter of reprimand or censure
- Removal from office/position, demotion, and/or reduction in pay
- Restitution
- Restriction from Institute facilities, programs, or activities
- Restriction from personal contact/no contact order
- Transcript notation
- Student residential/Institute disciplinary probation/study abroad probation
- Suspension from study abroad site
- Suspension/dismissal from Institute housing
- Suspension/leave with or without pay

Remedies will be provided to a complainant where a respondent has been found responsible, through formal or informal resolution. Supportive remedies, which can include the supportive measures, range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence; punitive or corrective sanctions or remedies range from a warning up to and including expulsion/termination from the Institute.

The Institute must wait to act on a determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the Institute provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

1. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by the Institute. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to complete conduct sanctions, responsive actions, or corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in disciplinary action, which can include additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Reports that a student failed to comply with conduct sanctions/responsive actions/corrective actions will be referred to the Assistant Vice President for Student Affairs/Dean of Students or designee and reviewed in accordance with the Institute's Student Code of Conduct. Reports

that an employee failed to comply with conduct sanctions/responsive actions/corrective actions will be referred to Human Resources and reviewed in accordance with Human Resources procedures.

F. Appeals

Following issuance of a written determination regarding a determination of responsibility or the Institute's dismissal of a formal complaint or any included allegations, the complainant and/or respondent, may file an appeal with the Title IX Coordinator via email or online form: https://cm.maxient.com/reportingform.php?PrattInstitute&layout_id=7.

A written appeal, based on one or more of the grounds listed below, must be made within five (5) business days of the receipt of the written decision or notification of dismissal and must clearly and fully set forth the evidence to support each identified ground of appeal which the appealing party is asserting. The grounds for appeal are limited to:

1. Procedural Error: A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.
4. Unreasonable Sanction: The sanction is objectively unreasonable in light of the facts and circumstances.

When an appeal is filed, the Title IX Coordinator will determine if the written appeal clearly identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both parties will be notified in writing that an appeal is filed. The non-appealing party will be provided the opportunity to review the appeal and will be permitted five (5) business days from the date of review of the appeal to submit a written statement in support of,

or challenging, the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

For matters involving Title IX Sexual Harassment, a panel of three (3) Appeal Officers will be appointed to review the appeal. For all other Prohibited Conduct, the Institute will appoint an Appeals Officer(s), who may be a single Decision Maker or Panel of three (3), to review the appeal. No Appeal Officer shall have a conflict of interest or bias. Anyone who made the determination regarding responsibility (i.e. who served as the Decision Maker(s) at the hearing) or dismissal on a formal complaint, investigated the formal complaint, or who is a Title IX Coordinator cannot serve as an Appeal Officer regarding that same formal complaint.

Within three (3) business days of an Appeal Officer(s) being assigned, either party may provide written objection to the Appeal Officer(s) on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer. This process will repeat for any newly appointed Appeal Officers.

Appeals are not intended to be full re-hearings of the complaint and generally will be considered upon a review of the written documentation only, of the parties and any pertinent documentation regarding the grounds for appeal. A preponderance of the evidence standard will be applied on appeal.

Unless there is good cause for temporary delay(s) or limited extension(s), the decision of the Appeal Officer(s) will be communicated to both parties, simultaneously and in writing, within ten (10) business days from when the Appeal Officer(s) received the appeal(s) and optional response(s). The appeal outcome will be final and binding. Both parties have the right to choose whether to disclose or discuss the outcome of the Formal Resolution Process.

G. Resolution Timeframes

The Institute will make a good faith effort to resolve complaints as promptly as possible. Unless there is good cause for temporary delay(s), limited extension(s), or other factors that require an extension of timeframes (such as the complexity of the case), the Institute will promptly conclude the following aspects of the resolution process within the below timeframes:

1. The Formal Resolution Process, excluding time spent on informal processes or appeal, will be concluded within approximately 90-110 business days upon receipt of the Notice of Allegations and Investigation.
2. Appeals will be concluded within 25-30 business days of the filing of an appeal.
3. Informal Resolutions will be concluded within 25 business days of receiving both parties' voluntary, written consent to the Informal Resolution Process.

Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Each party may request a one-time delay in the resolution process of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

In the case of a temporary delay of the resolution process or a limited extension of time frames for good cause, the Institute will provide the parties with written notice of such delay or extension and the reasons for the action.

Key Formal Resolution Procedural Timeframes

- *Investigation Stage*
 - 45-60 business days to complete the investigation.
 - Upon receipt of the Notice of Allegation and Investigation, parties will be provided a minimum of 3 business days to contest the investigator and Title IX Coordinator.
 - Parties will receive a minimum of 10 business days to review the Draft Investigation Report and Evidence File and to submit any response or additional information or questions.
 - Parties will receive a minimum of 5 business days to respond to new evidence provided by the other party during their review of the draft report.
 - Parties will receive a minimum of 10 business days to review the Final Investigative Report and Evidence File prior to the hearing.
- *Decision & Appeals*
 - Parties will receive the written notice of hearing at least 10 business days in advance of the hearing.
 - Upon receipt of the notice of hearing parties will receive a minimum of 3 business days to:
 - Contest the participation of any decision maker.
 - At least 5 business days prior to a hearing:
 - Submit the names of witnesses they wish to have questioned at the hearing.
 - Parties may submit preliminary written hearing questions to the Title IX Coordinator to be asked at the hearing.
 - Parties may submit to the Title IX Coordinator their written comments to the final investigation report and evidence file.
 - At least 3 business days prior to a hearing:
 - Parties will receive the names of witnesses that will participate in the hearing.

- Parties may submit impact statements within 2 business days after the conclusion of the hearing.
- Hearing outcomes will generally be communicated to the parties within 10 business days.
- Appeals from the parties are due the Title IX Coordinator 5 business days from the notice of outcome.
- Upon notice of an accepted appeal by the Title IX Coordinator:
 - Parties will be provided a minimum of 3 business days to contest any appeal officer.
 - The non-appealing party will be provided 5 business days to review and respond to the appeal.
- Appeal outcomes will generally be communicated to the parties within 10 business days from when the Appeals Officer(s) receives the appeal and applicable response.

XIII. TRANSCRIPT NOTATIONS

Pratt Institute will denote outcomes of Prohibited Conduct on academic transcripts of students found in violation of this policy that is deemed a violent offense as defined by CLERY reportable crimes - crimes of violence. Crimes of violence are criminal homicide, rape, incest, fondling, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. The following are examples of language that may appear on an academic transcript:

- “Expelled after a finding of responsibility for a code of conduct violation”
- “Suspended after a finding of responsibility for a code of conduct violation”
- “Withdrew with conduct charges pending”

Transcript notations for a student suspended or who chooses to withdraw pending conduct investigation will remain on a transcript for a minimum of one year. After one year’s time, a student may request to have the transcript notation removed by filing an appeal with the Vice President for Student Affairs. If an appeal is not filed, the notation will be removed after seven years.

To file an appeal to have the transcript notation removed from an academic transcript, a student must submit in writing to the Vice President for Student Affairs the following:

- A statement describing the incident and what was learned over their time away from the Institute.
- Documentation of successful completion of an in-/outpatient program or therapy to address the conduct.

Students who withdrew from the Institute prior to resolution of the conduct process will need to fulfill the sanctions found in absentia before being permitted to appeal.

Transcript notations for students expelled are permanent and cannot be appealed.

XIV. RECORD RETENTION

In implementing this policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable Institute records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act (FERPA) governing confidentiality of student information.

XV. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Institute's website.