

**NEW YORK UNIVERSITY  
UNIVERSITY POLICIES**

**Title:** Sexual Misconduct, Relationship Violence, and Stalking Policy

**Effective Date:** October 27, 2021

**Supersedes:** Sexual Misconduct, Relationship Violence, and Stalking Policy dated August 14, 2020

**Issuing Authority:** Deputy Chief of Staff, Office of the President  
Senior Vice President for Student Affairs

**Responsible Officers:** Director of the Office of Student Conduct and Community Standards  
Title IX Coordinator

**I. STATEMENT OF POLICY**

New York University, including its Schools and other units, Global Network University sites, and all University Affiliates (together, “NYU”), seeks to maintain a safe learning, living, and working environment. To that end, this policy prohibits Sexual Misconduct and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. Sexual Misconduct encompasses the following categories of prohibited conduct: Sexual Harassment as defined by Title IX regulations; Sexual Assault; Dating Violence, Domestic Violence; Stalking; and Sexual Exploitation. These prohibited forms of conduct undermine the character and purpose of NYU and will not be tolerated.

NYU adopts this policy with a commitment to: (1) preventing Sexual Misconduct and Retaliation (together, “Prohibited Conduct”); (2) fostering a community in which such conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and comfortable in reporting Prohibited Conduct; and (4) identifying the standards by which potential violations of this policy will be evaluated. This policy defines Prohibited Conduct; outlines available resources and reporting options; and references the applicable investigative and disciplinary procedures. NYU will take action to respond to a report of Prohibited Conduct, provide supportive measures and information, and seek a prompt and equitable resolution, which may include an informal or formal resolution process. NYU also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

This policy is designed to comply with applicable legal requirements including Title IX of the Education Amendments of 1972, and its implementing regulations (“Title IX regulations”); Title VII of the Civil Rights Act of 1964; relevant provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”); and, in New York with the New York State and City human rights laws and Article 129-B of the New York Education Law.

NYU does not discriminate on the basis of sex or gender in its education programs or activities, and NYU is required by Title IX of the Education Amendments of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate on the basis of sex in NYU’s education program or activity extends to admission and employment.

This policy applies to all Prohibited Conduct occurring on or after the effective date of this policy. In the case of Prohibited Conduct occurring before the effective date of this policy where the report of such Prohibited Conduct is made on or after the effective date, the procedures under this policy will apply. Reports that were made prior to the effective date of this policy will be addressed under the procedures in place at the time such reports were made.

## II. TO WHOM THE POLICY APPLIES

This policy applies to NYU students (“Students”); NYU employees, including faculty and visiting faculty, professional staff, and administrators (“Employees”); contractors, vendors, or other third parties within NYU’s control and visitors or guests of NYU (“Third Parties”). For ease of reference in this policy, Students, Employees and Third Parties are referred to collectively as Covered Persons. This policy pertains to acts of Prohibited Conduct (except as expressly provided below) committed by Covered Persons, when:

- (1) the conduct occurs on NYU premises;
- (2) the conduct occurs in the context of an NYU employment or education program or activity, including, but not limited to NYU-sponsored study abroad, research, or internship programs; or
- (3) the conduct occurs outside the context of an NYU employment or education program or activity, but (i) has or could have a significant impact on NYU premises or an NYU employment or education program or activity, or (ii) the conduct may have the effect of posing a serious threat to the University community.

The above-defined scope of this policy encompasses incidents of Prohibited Conduct falling within and outside the Title IX regulations.<sup>1</sup> While Formal Complaints of conduct falling outside the Title IX regulations will be dismissed for Title IX purposes, where such conduct otherwise falls within the scope and definitions of this policy, the conduct will be addressed as outlined in the applicable procedures referenced below in Section III for conduct committed by Covered Persons.

This policy does not cover or apply to forms of sexual and gender-based harassment that do not meet the definition of Sexual Harassment provided below. Such conduct, as well as other forms of sex-based discrimination that do not meet one of the definitions of Prohibited Conduct, are addressed by the [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#) (“Employee Non-Discrimination Policy”) and the [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#) (“Student Non-Discrimination Policy”). Further, complaints brought by Employees regarding allegations of sexual or gender-based harassment that fall outside the Title IX regulations due to the circumstances (not in the context of an education program or activity) and/or location of the conduct (outside the United States), but that otherwise meet the definition of Sexual Harassment below, are referred to the Employee Non-Discrimination Policy. Subject to the preceding statements, this policy supersedes any conflicting information contained in other University policies with respect to the definitions or procedures relating to Prohibited Conduct.

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<sup>1</sup> With respect to NYU, the Title IX regulations apply to conduct occurring in the United States and within an NYU education program or activity, which includes:

- 1) all of NYU’s operations, including locations, events, or circumstances over which NYU exercises substantial control over both the Respondent and the context in which the conduct occurs;
- 2) any building owned or controlled by a student organization that is officially recognized by NYU.

Other forms of discrimination, including discrimination based on race, religion, and disability are addressed by: the Employee Non-Discrimination Policy, (2) the Student Non-Discrimination Policy, and/or (3) the [Compliance Complaint Policy](#).

A Covered Person who has a question about which policy applies in a specific instance can contact NYU’s [Title IX Coordinator](#).

This policy and its related procedures may also, at NYU’s discretion, apply to alleged violations by the Respondent of other NYU policies if, in NYU’s judgment, those other allegations are directly related to the reported Prohibited Conduct and doing so does not unduly delay a prompt or equitable resolution of the report.

### III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the relationship of the Respondent to NYU (Student, Employee or Third Party). NYU maintains two sets of procedures as set forth in the chart below.<sup>2</sup> Each set of procedures is guided by the principles of fairness and respect for a Complainant and a Respondent. Where a Respondent is both a Student and an Employee, (a) the Student-Respondent procedures will typically apply if the Respondent’s primary role is a full-time Student, (b) the Employee-Respondent Procedures will apply if the Respondent’s primary role is a full-time Employee, or (c) NYU’s Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates and the role most applicable in the incident). However, irrespective of which procedures apply, a Respondent may be subject to any of the sanctions applicable to Students or Employees.

NYU applies the preponderance of the evidence standard when determining whether this policy has been violated.

Procedures for Reports of Prohibited Conduct Committed by Students	Procedures for Reports of Prohibited Conduct Committed by Employees	Procedures for Reports of Prohibited Conduct Committed by Third Parties
See <b>Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Students</b>	See <b>Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Employees</b>	Contact NYU’s Title IX Coordinator who will identify the appropriate procedures that apply based on the role of the Third Party, the nature of any contractual relationship with NYU, and any disciplinary authority or substantial control NYU may have over the Respondent.

### IV. ENFORCEMENT

A Student or Employee determined by NYU to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action, up to and including separation from NYU. Third Parties who violate this policy may have their relationship with NYU terminated and/or their privilege of being on NYU premises

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<sup>2</sup> Please note that the NYU Langone Medical Center (“NYULMC”) has its own procedures and the procedures referenced in this policy do not apply to NYULMC.

withdrawn. NYU reserves the right to take action against a Covered Person who commits an act of Prohibited Conduct outside the scope of this policy.

## V. TITLE IX COORDINATOR

Mary Signor, the Assistant Vice President of the Office of Equal Opportunity serves as NYU's Title IX Coordinator. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education, training, and notifications; overseeing complaints; and coordinating NYU's investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures and can be contacted at:

Mary Signor  
Title IX Coordinator and Assistant Vice President, Office of Equal Opportunity  
665 Broadway  
New York, NY 10003  
[Mary.Signor@NYU.edu](mailto:Mary.Signor@NYU.edu)  
212-998-2352

Inquiries about NYU's application of Title IX and its implementing regulations; Title VII of the Civil Rights Act of 1964; the Clery Act, as amended by VAWA; and, in New York, the New York State and City human rights laws and Article 129-B of the New York Education Law, under this policy may be addressed to NYU's Title IX Coordinator or the NYU Office of Equal Opportunity. Inquiries concerning the Clery Act or VAWA may also be referred to the United States Department of Education, Clery Act Compliance Division, while inquiries concerning the application of Title IX and its implementing regulations may also be referred to the United States Department of Education, Assistant Secretary, Office for Civil Rights, at [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481.

## VI. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Whether a Covered Person has violated this policy is determined based on all of the available facts and circumstances including but not limited to: statements of the Complainant and Respondent; statements by any witnesses to the alleged incident(s); documentary or physical evidence; the presence or absence of corroborating information; and relevant information about pre-and post-incident behavior and/or actions.

Prohibited Conduct includes the following specifically defined forms of behavior, as well as attempts to commit Prohibited Conduct:

- A. Sexual Harassment:** In accordance with Title IX regulations, Sexual Harassment is defined under this policy as conduct on the basis of sex that satisfies one or more of the following:
1. A University employee conditions the provision of an aid, benefit, or service of the University on an individual's participating in unwelcome sexual conduct; or
  2. 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 University's education program or activity; and
  3. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.

**B. Sexual Assault:** Sexual assault is having or attempting to have sexual contact with another individual without consent<sup>3</sup> or where the individual cannot consent because of age or temporary or permanent mental incapacity (*see below for definition of consent and incapacitation*).<sup>4</sup> Sexual contact includes:

1. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (*e.g.*, penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight;
2. sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.
  - i. Sexual touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.

**C. Dating Violence:** includes any act of violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
2. where the existence of such a relationship shall be determined based on the consideration of the following factors:
  - i. The length of the relationship;
  - ii. The type of relationship; and
  - iii. The frequency of interaction between the persons involved in the relationship.

**D. Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under New York state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under New York state law.

**E. Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

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<sup>3</sup> In accordance with New York State law, the consent must be Affirmative Consent, as defined under this Policy.

<sup>4</sup> The statutory definition of sexual assault referenced by the Title IX regulations also includes having or attempting to have sexual contact between persons who are related to each other within the degrees where marriage is prohibited by law.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

- F. Retaliation:** Retaliation means any adverse action, intimidation, threat, coercion or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a good faith report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated in any manner in any investigation, proceeding or hearing under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

The Title IX Coordinator will determine and identify the appropriate procedures to be followed for an allegation of Retaliation depending on the timing and circumstances of the allegation.

- G. Sexual Exploitation:** Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual's nudity or sexuality or taking advantage of another person's sexuality without Affirmative Consent, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent;
- Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;
- Exposing one's genitals to another person without affirmative consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

## **VII. RELATED DEFINITIONS: CONSENT, FORCE, AND INCAPACITATION:**

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

Consent cannot be obtained: (1) through the use of force or coercion; or (2) by taking advantage of the incapacitation of another individual. Consent also cannot be given by someone who is under the legal age to consent in the applicable jurisdiction at the time of an incident.

In evaluating whether affirmative consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating an incapacity to consent.

Relying solely on nonverbal communication may result in a violation of this policy. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies, verbally, the willingness to continue.

Consent may be initially given, but withdrawn at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. When consent is withdrawn or can no longer be given, sexual activity must cease. Prior consent does not imply current or future consent; consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act. Even in the context of an ongoing relationship, consent must be freely sought and given for each instance of sexual activity.

- B. Force or Coercion:** Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

Coercion is conduct, including intimidation and express or implied threats of physical, psychological, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to overcome the individual's freedom of will and to compel the individual to engage in sexual activity.

- C. Incapacitation:** An individual who is incapacitated lacks the ability to knowingly choose to participate in sexual activity or make informed, rational judgments and thus cannot consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct (i.e., cannot understand the who, what, where, when, why and/or how of their words and/or conduct). Physically helpless means a person is physically unable to communicate unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing Prohibited Conduct and does not diminish one's responsibility to obtain informed and freely given consent. In other words, consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

## VIII. PRIVACY AND CONFIDENTIALITY

NYU is committed to protecting the privacy of all individuals involved in a report under this policy. NYU also is committed to providing assistance to help Covered Persons make informed choices. All employees who are involved in the University's response to harassment and discrimination, including the Title IX Coordinator; investigators; adjudicators; and members of Sexual Misconduct appeals panels receive specific training and guidance about safeguarding private information, including the protections set forth in Title IX, the Clery Act, and the Family Educational Rights and Privacy Act ("FERPA").

Privacy and confidentiality have distinct meanings under this policy.

**Privacy** refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Information related to a report of Prohibited Conduct will be handled discreetly and will be shared with a limited circle of individuals who "need to know" in order to assist in the active review, investigation, resolution of the report, and related issues. The University will make reasonable efforts to investigate and address reports of Prohibited Conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible.

The privacy of Student education records will be protected in accordance with NYU's Guidelines for Compliance with FERPA. The privacy of an individual's medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to personnel records in New York is restricted in accordance with NYU's [Employment Records and Verification Policy - New York, District of Columbia, and California](#). Laws in other relevant jurisdictions may provide privacy protections.

**Confidentiality** means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, counselors in the Center for Sexual and Relationship Respect Services, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by New York State law. These individuals must maintain confidentiality unless (i) they are given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law or court order. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations. Laws in other relevant jurisdictions may provide confidentiality protections.

**Release of Information by the University:** Pursuant to the Clery Act, NYU must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the U.S. Department of Education. If a report of Sexual Assault, Domestic Violence, Dating Violence or Stalking discloses a serious or continuing threat to the campus community, the University will issue a timely notification to the community to protect the health and safety of the community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident, unless identification of a Respondent is required by the timely warning. In addition, Confidential Resources may submit anonymous or de-identified aggregate statistical information for Clery Act purposes.

The University will not release the name of the Complainant, the Respondent or witnesses to the general public except as otherwise permitted or required by law. The University may share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions.

## **IX. RESOURCES**

NYU offers resources for both Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report of Prohibited Conduct. NYU also offers resources to Third Parties, as reasonably available consistent their relationship to NYU. For comprehensive information on emergency assistance; hospitals; on-campus, community, Portal Campus and Study Away Site Confidential Resources; and available support with academics, housing, and work:

- Students should refer to the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students](#).
- Employees should refer to the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees](#).
- Third Parties should contact the Title IX Coordinator to discuss available campus resources, reasonably available supportive measures, and reporting options.

### **A. CONFIDENTIAL RESOURCES**

Confidential Resources for Students include the Wellness Exchange (212-443-9999) and the Center for Sexual and Relationship Respect Services (212-443-9999). For a complete list of NYU and community-based Confidential Resources for Students, see the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students](#).

Confidential Resources for Employees include the Employee Assistance Program (800-437-0911). For a complete list of NYU and community-based Confidential Resources for Employees, see the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees](#).

### **B. SUPPORTIVE MEASURES**

Upon receipt of a report of Prohibited Conduct, NYU will provide reasonably available supportive measures to a Complainant, and typically after a Formal Complaint, to a Respondent. Supportive measures are non-disciplinary, non-punitive, individualized support services that are offered as appropriate, as reasonably available, and without fee or charge to the parties when a report is received. Supportive measures are made available to the parties at any point in the process, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to NYU's education program or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The availability and appropriateness of supportive measures will be determined by the specific circumstances of each report and supportive measures will be tailored to avoid unreasonably burdening the other party. NYU

will consider a number of factors in determining which measures to take, including the needs of the individual seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been initiated to protect the Complainant (e.g., protective orders). NYU will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority. Additional examples of supportive measures are provided in the procedural documents referenced above.

The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the university's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any supportive measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. NYU will maintain the privacy of any supportive measures provided under this policy to the extent practicable.

For Third Party Complainants, NYU will provide reasonable supportive measures as appropriate and available, based on consideration of the role of the Third Party and the nature of any contractual relationship with NYU.

Violating the terms of a supportive measure, including but not limited to no contact, persona non grata, or other behavior-related directives, is a violation of this policy and will subject the person who violates the supportive measure to additional charges and sanctions under this policy. The Title IX Coordinator will determine and identify the appropriate procedures to be followed for such a violation depending on the timing and circumstances of the reported violation.

## **B. EMERGENCY REMOVAL/ADMINISTRATIVE LEAVE**

As described further in the procedures referenced above, certain circumstances may warrant removing a Student Respondent from an NYU education program or activity on an emergency basis or placing a non-student Employee Respondent on administrative leave, with or without pay.

## **X. REPORTING RESPONSIBILITIES OF UNIVERSITY EMPLOYEES**

**Employee Responsibility to Report Allegations:** It is important to understand the different responsibilities of NYU Employees who respond to disclosures of incidents of Prohibited Conduct. There are two general classifications of individuals on campus with whom a Covered Person can discuss an incident of Prohibited Conduct:

### **A. Confidential Resources**

As discussed in the section on Confidentiality, University employees who serve as Confidential Resources are prohibited from sharing information unless required or permitted by law or ethical obligations. Information shared with Confidential Resources when they are acting in the scope of their profession will not be disclosed to the Title IX Coordinator, without the express written permission of the individual seeking services or as provided by law.

### **B. Responsible Employees**

Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees, are required to report Prohibited Conduct to the Title IX Coordinator. In addition, some employees, because of their role on campus, also have additional reporting responsibilities under the Clery Act. These employees are called Campus Security Authorities (CSAs). CSAs have a duty to report Sexual

Assault, Dating Violence, Domestic Violence, and Stalking and other Clery Act-defined crimes. This reporting helps to provide the community with an accurate picture of the extent and nature of campus crime in order to ensure greater community safety and enable campus community members to make important decisions about their own safety. CSAs include NYU Department of Public Safety, Student Affairs Deans and Administrators, Student Conduct Staff, Residence Life Staff, including Residence Hall Directors, Assistant Directors and Resident Assistants, Advisors to Student Organizations, Faculty Members and Staff accompanying students on NYU-Sponsored travel, Athletics Coaches and Staff and any other official with significant responsibility for student and campus activities. For more information, see [Campus Security Authority Reporting](#).

Responsible Employees and CSAs may not promise Confidentiality or withhold information about Prohibited Conduct from the Title IX Coordinator. Responsible Employees and CSAs who are aware of or informed of a report of Prohibited Conduct are required to immediately share the report with the Title IX Coordinator, and for CSAs, the Department of Public Safety. This duty applies no matter how the information is learned, whether from direct report from a Complainant, from social media, or from a concerned third party.

Questions regarding reporting responsibilities should be directed to the Title IX Coordinator at 212-998-2352.

## **XI. REPORTING**

NYU strongly encourages any individual who becomes aware of an incident of Prohibited Conduct to report the incident to local law enforcement, if applicable, and to NYU by contacting one of the following NYU Reporting Options:

<p>Mary Signor  <a href="#">Title IX Coordinator and Assistant Vice President, Office of Equal Opportunity</a>                  212-998-2352                  726 Broadway, 7<sup>th</sup> Floor                  New York, NY 10003                  mary.signor@nyu.edu</p>	<p>Lauren Stabile                  Deputy Title IX Coordinator                  212-998-2210                  lauren.stabile@nyu.edu</p>
<p><b>The Office of Equal Opportunity</b>                  212-998-2370</p>	<p><b>Office of Student Conduct and Community Standards</b>                  212-998-4403</p>
<p><b>NYU Department of Public Safety</b>                  212-998-2222</p>	<p><b>Residential Life and Housing</b>                  212-998-4600</p>
<p><b>Human Resources Officer</b> of the School or Administrative Department</p>	

NYU also strongly encourages any individual who becomes aware of an incident of Prohibited Conduct involving an emergency situation to report the incident by contacting 911 (or equivalent in other jurisdictions).

NYU recognizes that deciding whether to make a report of Prohibited Conduct that an individual has experienced is a personal decision. As described in the accompanying procedures, making a report is different from filing a Formal Complaint. When NYU receives a report of Prohibited Conduct, the University will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The University will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed. In limited circumstances, the Title IX Coordinator may file a Formal Complaint initiating an investigation into reported conduct. Additional information about the circumstances that might require a Title IX Coordinator to file a Formal Complaint is detailed in the accompanying procedures.

#### **A. Time Frame for Reporting**

There is no time limit on reporting violations of this policy, although Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. Depending on the relationship of the Respondent to the University, the University may not have the authority to impose disciplinary action; this may occur when a student Respondent has graduated or an employee Respondent is no longer employed by the University. If the Respondent is no longer affiliated with the University (for example, a report is made after a student has left or graduated or an employee no longer works for the University), the University will still evaluate the reported conduct, provide reasonably available supportive measures, assist the Complainant in identifying external reporting options, and take reasonably available steps to address the reported conduct.

#### **B. Student Amnesty Policy**

The health and safety of every student at NYU is of utmost importance. NYU recognizes that Students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. NYU strongly encourages Students to report incidents of Prohibited Conduct to NYU officials. NYU will not subject a bystander, Complainant, or other individual making a report who discloses any incident of Prohibited Conduct to NYU's officials or law enforcement to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Prohibited Conduct.

#### **C. Obligation to Provide Truthful Information**

All University community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. Attempts to improperly influence witness testimony is also prohibited and subject to disciplinary sanction.

#### **D. Coordination with Law Enforcement**

A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, NYU will assist a Complainant in contacting law enforcement at any time. Under limited circumstances, including where there is a threat to health or safety of any NYU community member, the University may independently notify law enforcement. An individual may make a report to the University, to law enforcement, to neither, or to both. The University's resolution process and law enforcement investigations

may be simultaneously pursued, but will operate independently of one another. The University will, when appropriate, coordinate information with law enforcement if law enforcement is notified.

## **XII. VIOLATIONS OF LAW:**

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the presiding authority.

The New York State Penal Code describes prohibited Sex Offenses in [§§ 130.00 to 130.91 and 130.95 to 130.96](#) and prohibited Stalking Offenses in [§§ 120.45 – 120.60](#). Covered Persons studying, working, or engaging in other activities at one of NYU's portal campuses, Global Network University sites, or other locations outside of New York State are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. NYU's education and prevention programs related to its portal campuses and Global Network University sites will include definitions of prohibited conduct and consent in the applicable jurisdiction.

Behavior that violates this policy also may subject a Respondent to civil liability. Records of University proceedings under this policy may be subpoenaed in connection with a criminal prosecution and/or civil litigation.

## **XIII. STUDENTS' BILL OF RIGHTS:**

Under this policy, all students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of Sexual Harassment, Domestic Violence, Dating Violence, Stalking, Sexual Assault, Sexual Exploitation, and Retaliation treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in NYU's disciplinary process and/or the criminal justice process free from pressure by NYU.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from NYU courteous, fair, and respectful health care and counseling services, where available.
6. 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.
7. Describe the incident to as few NYU representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be reasonably protected from Retaliation by NYU, any student, the Respondent or any other party to a report or proceeding under this policy, and/or their friends, family and acquaintances within NYU's jurisdiction.
9. Access to at least one level of appeal of a determination in matters involving Student conduct.

10. Be accompanied by an advisor of choice who may assist and advise a Complainant or Respondent throughout the disciplinary process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative or disciplinary process of NYU.

#### **XIV. CONSENSUAL RELATIONSHIPS:**

Please see the University's [Policy on Consensual Intimate Relationships](#).

#### **XV. PREVENTION AND AWARENESS PROGRAMS:**

NYU is committed to the prevention of Prohibited Conduct through education and awareness programs. Incoming first year students and new employees are offered primary prevention and awareness programming as part of their orientation and returning staff and students are offered ongoing training and related programs. For a description of NYU's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, Students should refer to the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students](#), and Employees should refer to the [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees](#).

#### **XVI. ADDITIONAL POLICY DEFINITIONS:**

“Complainant” means the individual reported to have experienced Prohibited Conduct.

“Confidential Resource” means an NYU employee or community resource with statutorily protected confidentiality. This includes medical providers, mental health providers, rape crisis counselors, and ordained clergy.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegations. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

“NYU” means the Schools and other units of NYU, NYU's Global Network University sites, and all University affiliates.

“Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred.

“Reporting Option” means individuals or departments designated by NYU to receive reports of Prohibited Conduct.

“Respondent” means the individual who is reported to have committed Prohibited Conduct.

“Responsible Employee” means those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. This includes the NYU Title IX Coordinator; Public Safety Officers; senior staff members in Residence Life, Student Affairs, Student Activities, and Athletics; administrators in the Office of Community Standards; senior administrators in each of the Schools within NYU; Resident Assistants (RAs), faculty members, and athletic team coaches.

“School” for purposes of this policy means each NYU school, college and institute that functions similarly to a school or college (e.g., IFA, ISAW, Courant, and CUSP), each NYU portal campus (e.g., New York and Abu Dhabi), and other global sites as designated by the Provost.

## **XVII. RELATED POLICIES:**

[Code of Ethical Conduct](#)

[Compliance Complaint Policy](#)

[Policy on Consensual Intimate Relationships](#)

[Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#)

[Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#)

[University Student Conduct Policy](#)

## **XVIII. REVIEW OF POLICY**

This policy reflects the University's good faith efforts to implement the newly-promulgated legal requirements under the Title IX regulations issued in May 2020, to synthesize those regulations with other Federal law, including the Clery Act, and with state law applicable to Students and Employees. NYU reserves the right to modify this policy and the accompanying procedures as necessary to comply with Federal or state law, and such modifications may be made before or during an ongoing resolution process. NYU will review this policy on at least an annual basis.