



**NON-DISCRIMINATION AND NON SEX-BASED HARASSMENT
POLICY**

Effective March 1, 2021

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NON-DISCRIMINATION AND NON SEX- BASED¹ HARASSMENT POLICY

INTRODUCTION

The New York Academy of Art (the “Academy”) is strongly committed to maintaining a working and learning environment that is free from unlawful Discrimination, Harassment or Retaliation. The Academy is an equal opportunity employer and an academic institution which strongly believes that all employment and academic decisions must be made without regard to whether an employee or student possesses characteristics protected by federal, state, or local law and this Policy¹ (“protected characteristics”).

All Academy officers, administrators, supervisors, staff, faculty members, students, visitors and applicants, as well as vendors, consultants and contractors with whom the Academy does business are prohibited from engaging in Discrimination, Harassment or Retaliation in violation of this Policy.

If you believe that you have been Discriminated against or subjected to Harassment on the basis of any of the protected characteristics described in this Policy, or if you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment or for participating in an investigation into a complaint or report of prohibited Discrimination or Harassment, you may report such incident(s) to the persons identified in the Complaint Procedure set forth below.

Academy officers, administrators and other employees with managerial or supervisory authority (e.g., directors, managers, Faculty Chairs, etc.) - must report any Discrimination, Harassment or Retaliation that comes to their attention, regardless of whether a complaint is made. All other Academy staff, faculty, students or third parties who have witnessed or learned of conduct prohibited by this Policy and Procedure are strongly encouraged to promptly report it to the persons identified in the Complaint Procedure section of this Policy.

The Academy shall take prompt and appropriate corrective action whenever instances of alleged prohibited Discrimination, Harassment and/or Retaliation come to its attention. The Academy is committed to investigating all instances of alleged or suspected prohibited Discrimination, Harassment and/or Retaliation, including anonymous complaints or reports from anonymous sources, even if the victim of such Discrimination, Harassment and/or Retaliation does not make a complaint, does not want the matter investigated or does not cooperate with the investigation.

This Policy applies regardless of the sexual orientation, sex, gender identity, age, race, nationality, religion or disability of parties and witnesses. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully use this Policy.

¹ This Policy and Procedure does not apply to reports of sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation, and stalking, which are subject to investigation exclusively pursuant to the Academy’s Sex-Based Misconduct Policy, online at nyaa.edu/title-ix.

DEFINITION OF DISCRIMINATION

Discrimination is the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic. These characteristics include: sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking and any other characteristics that may be protected by law.

The definition of Discrimination includes: unequal treatment in regards to the terms and conditions of employment (e.g., hiring, firing, compensation, benefits, assignment, transfer, recall, layoff, recruitment, testing, access to facilities and programs, training, etc.); and unequal treatment in terms of academic programs (e.g., grading, class assignments, testing, internships, fellowships, work study, scholarships, access to facilities, admission to programs, etc.) based on a protected characteristic.

Prohibited Discriminatory practices include:

- employment or academic decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals with protected characteristics; and
- denying employment or academic opportunities to a person because of marriage to or association with an individual with a protected characteristic.

Discriminatory practices by third parties (e.g., visitors, applicants, vendors, consultants, contractors, alumni, etc.) are also prohibited. The third party violates this Policy if it engages in conduct which affects the work or learning environment of Academy employees or students in a Discriminatory, Harassing or Retaliatory manner prohibited by this Policy while they are on Academy property or otherwise working or interacting with Academy students or employees.

DEFINITION OF HARASSMENT

Harassment on the basis of any protected characteristics described in this Policy is strictly prohibited by this Policy and is a form of discrimination prohibited by various statutes including Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law. For purposes of this Policy, Harassment is defined as physical, verbal, visual or other conduct relating to any protected characteristics described in this Policy other than sex or gender when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status (quid pro quo harassment);

- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual (quid pro quo harassment); or
- such conduct has the purpose or effect of interfering unreasonably with an individual's work or academic performance, or creating an intimidating, hostile, or offensive work or academic environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment Harassment).

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of any protected characteristics described in this Policy other than sex or gender.² Therefore, it makes no difference in determining whether conduct violates the Policy, that the person accused of violating this Policy ("Respondent") was "just joking", "teasing" or being "playful" or had an evil motive. The fact that a person does not object to the alleged Harassing conduct or does not request that the Harassing conduct stop does not mean that he/she welcomes the conduct. Harassing conduct prohibited by this Policy includes, but is not limited to, such things as:

- making or threatening reprisals after a negative response to a request to engage in Discriminatory conduct;
- engaging in visual conduct such as leering or making obscene, taunting or threatening gestures;
- displaying suggestive, obscene or degrading material, objects, pictures, cartoons, posters;
- using visual or audio electronic devices or media (such as radio, television, telephone, social media, computers, email, etc.) to broadcast, distribute or transmit offensive statements, images or other material;
- making derogatory comments about an individual's protected characteristics; or jokes concerning protected characteristics or traits;
- Using degrading words relating to an individual's or group of individuals' protected characteristics to describe the individual(s);
- engaging in verbal or written slurs, degrading or negative stereotyping; and
- engaging in physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

Harassment is also prohibited if it involves Harassment by or of a co-worker, supervisor, officer, administrator, visitor, or person doing business with the Academy as defined by this Policy. Harassment is also prohibited if it involves Harassment by or of a faculty member or student, or between students.

² See footnote 1, supra, regarding the Academy's Sex-Based Misconduct Policy pursuant to which complaints and reports of sexual and gender based harassment are investigated.

RETALIATION DEFINED

Retaliation occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this Policy. A Retaliation claim is established if a person who engages in activity protected by law or this Policy, suffers an adverse action in their work or learning environment and there is a causal nexus between the adverse action and the protected activity. An adverse action is one that materially affects a term or condition of an individual's employment, education, living environment or participation in an Academy activity or program. It includes any conduct which would deter a reasonable person from engaging in protected activity.

RETALIATION IS PROHIBITED

Retaliation of any kind against an individual who makes a good faith report of unlawful Discrimination or Harassment, or who participates in an investigation into a complaint of prohibited Discrimination or Harassment, is strictly prohibited. Retaliation is prohibited regardless of whether the underlying complaint of Discrimination or Harassment is substantiated. If you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment, or for participating in an investigation into a complaint of prohibited Discrimination or Harassment, you may immediately report such incident(s) to the persons identified in the Complaint Procedure set forth below.

LOCATION OF DISCRIMINATION, HARASSMENT OR RETALIATION

This Policy prohibits Discrimination, Harassment and Retaliation in the employment and academic environment of the Academy. That environment is not limited to the property boundaries of the Academy's campus. The Academy's employment and academic environment extends throughout the United States and abroad, wherever the Academy's students and employees and those of third parties associated with the Academy participate in or support Academy activities and programs. Conduct and behavior at off-campus activities and programs (e.g., off-campus classes or lectures, development activities, study abroad, etc.) are regulated by this Policy. The relevant inquiry focuses on whether prohibited conduct had an impact or effect on the work or learning environment of persons covered by this Policy. Therefore, the Policy may be violated even if the prohibited conduct occurs off-campus or during an employee's, student's or third party's off-duty time.

ADMINISTRATION AND ENFORCEMENT

The Title IX Coordinator is responsible for ensuring the Academy's compliance with discrimination laws and for administering this Policy. The Title IX Coordinator is Katie Hemmer. She can be reached at 111 Franklin Street or (212) 842-5961 or khemmer@nyaa.edu.

The Title IX Coordinator is available to answer any questions that members of the Academy community may have about this Policy and to assist them in gaining access to available resources.

COMPLAINT PROCEDURE

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of prohibited Discrimination, Harassment and/or Retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited Discrimination, Harassment or Retaliation; and (iii) appropriate remedies for a victim of prohibited Discrimination, Harassment and/or Retaliation.

The persons listed below have been designated by the Academy as the individuals with whom complaints or reports of Discrimination, Harassment or Retaliation prohibited by this Policy shall be filed:

Students: Title IX Coordinator, Provost, Director of Student Affairs

Staff: Title IX Coordinator, Employee's Supervisor, Employee's Manager, Director of Human Resources

Faculty: Title IX Coordinator, Provost, Director of Human Resources

These persons will accept the complaint/report and refer it to the Title IX Coordinator and other appropriate individuals to initiate an investigation in accordance with this Complaint Procedure.

THE COMPLAINT

Complaints of prohibited Discrimination, Harassment and/or Retaliation, or reports of such conduct, may be made orally or in writing, but persons who make a complaint claiming to be a victim ("Complainants") or other persons reporting such conduct, are strongly encouraged to file a written complaint or a written report. Written complaints should be made using the Complaint Form annexed hereto as "Appendix A." Complaints or reports should be as detailed as possible and should include the name(s) of the individual(s) involved, the name(s) of any witness(es), when and where the complained of conduct occurred, direct quotes and/or evidence (e.g., notes, emails, pictures, etc.) of the complained of conduct, indirect evidence (e.g., statistical information reflecting Discrimination), whether or not the conduct complained of has been reported to the Academy before and if so, when, to whom, and what the resolution of the previous complaint was.

If the Complainant or person reporting the alleged violation, requests confidentiality, the Academy will take reasonable steps to investigate and respond consistent with any such request. If the Complainant or person reporting the alleged violation, asks that the complaint or report not be pursued, or refuses to participate further in the investigation, they will be informed that their lack of participation may impede the investigation and resolution of the matter. The Academy shall have discretion to determine how best to proceed in investigating and responding in any such situations.

TIMELINESS OF COMPLAINT

There is no statute of limitations with respect to alleged violations of this Policy. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time. Academy officers, administrators and employees with managerial or supervisory authority (e.g., supervisors, directors, managers, Faculty Chairs, Department Chairs, etc.) must report any Discrimination, Harassment or Retaliation that comes to their attention as soon as possible, regardless of whether a complaint is made.

PRELIMINARY DETERMINATION

Prior to the commencement of an investigation under this Policy, the Title IX Coordinator shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy). If the Title IX Coordinator determines that the complaint or report is alleging Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy, the complaint or report will be investigated pursuant to this Policy. If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report is alleging sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation or stalking, the complaint or report will be investigated pursuant to the Academy's Sex-Based Misconduct Policy. If the Title IX Coordinator determines that the complaint or report of an alleged violation is not within the scope of this Policy or the Sex-Based Misconduct Policy, the complaint or report will be referred to appropriate Academy administrators for their consideration in accordance with other applicable Academy policies.

THE INVESTIGATION

All complaints or reports of prohibited Discrimination, Harassment and Retaliation, will be promptly and appropriately investigated by the Title IX Coordinator or another individual or individuals selected from a trained pool of investigators. (The individual who investigates the complaint is hereafter referred to as the "Investigator.") Investigators will advise Complainants of the availability of counseling, medical or other support services.

SELECTION OF THE INVESTIGATOR

The Investigator will be the Title IX Coordinator or another individual or individuals selected from a pool of individuals from the Academy who have been trained in the requirements of this Policy, Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title IX of the Education Act Amendments of 1972 and the employment discrimination statutes. Such training, in addition to ensuring Investigators understand what constitutes Harassment, Discrimination and Retaliation, will also

include the methodology for conducting investigatory interviews, gathering and summarizing evidence, writing reports and general investigatory techniques. Similarly trained individuals from outside the Academy, who may be attorneys, may also be selected to be the Investigator. The Title IX Coordinator will select the Investigator.³

The following Complaint Procedure Diagram, identifies the persons to whom complaints will be referred and the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee, or a third party. In the event there is no actual complaint from a Complainant, the Academy will nonetheless address any report of a violation of this Policy by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram.

³ In the event that the Title IX Coordinator/Affirmative Action Officer has a conflict of interest, another appropriate Academy administrator will select the Investigator.

Complaint Procedure Diagram

Respondent	Complaint Intake Person	Investigator	Decision Maker	Appeal Officer
Faculty Member	<ul style="list-style-type: none"> • Title IX Coordinator • Provost • Director of Human Resources 	Title IX Coordinator or Deputy Title IX Investigator(s)	Provost	President
Student	<ul style="list-style-type: none"> • Title IX Coordinator • Provost • Director of Student Affairs 	Title IX Coordinator or Deputy Title IX Investigator(s)	Director of Human Resources	Provost
Staff	<ul style="list-style-type: none"> • Title IX Coordinator • Employee’s Supervisor • Employee’s Manager • Director Human Resources 	Title IX Coordinator or Deputy Title IX Investigator(s)	Director of Human Resources	Provost
Third Party	<ul style="list-style-type: none"> • Title IX Coordinator • Provost • Director of Human Resources 	Title IX Coordinator or Deputy Title IX Investigator(s)	Director of Human Resources	Provost
President or Senior Executives who report to him/her/they	<ul style="list-style-type: none"> • Title IX Coordinator • Provost • Director of Human Resources 	Title IX Coordinator or Deputy Title IX Investigator(s)	Executive Committee of Board of Trustees (with recusal of the President & Chair of Board of Trustees)	Chair of Board of Trustees

OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER

The Complainant or Respondent may object to the participation of the particular Investigator, the Decision Maker or Appeal Officer based on a conflict of interest or other facts suggesting that that the Investigator, Decision Maker, or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator prior to any recommendation or decision being issued by the person and in no event later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. Concerns of bias or a potential conflict of interest by the Title IX Coordinator should be made to Academy President, David Kratz, dkratz@nyaa.edu, (212) 842-5959.

CONDUCT OF THE INVESTIGATION

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s), provide the names of witnesses and any other evidence. Investigators shall determine who is present during the interviews. The Respondent will have no right to directly question any witnesses, including the Complainant, or to be present during such questioning. Attorneys or other representatives for a Complainant, Respondent or witness will not, as a general rule, be allowed to attend investigatory interviews. As part of their investigation, Investigators will also confer with the Title IX Coordinator and Director of Human Resources to determine whether the Respondent has been the subject of any previous complaints, reports or investigations and whether the Complainant has made previous complaints or reports of prohibited Discrimination, Harassment or Retaliation. The Academy will take immediate action as it deems necessary and appropriate, while investigating the complaint, to ensure there is no further Discrimination, Harassment or Retaliation. All members of the Academy community are urged to cooperate with this Complaint Procedure and any investigation being conducted by the Academy into a complaint of prohibited Discrimination, Harassment or Retaliation. A failure to do so may impede the investigation and may result in unfortunate consequences such as adverse inferences being drawn, decisions being made based on the limited information available and, for Academy employees who refuse to cooperate, possible discipline up to and including discharge being imposed.

CONFIDENTIALITY

The Academy shall keep all complaints of prohibited Discrimination, Harassment and/or Retaliation, and the investigation into such complaints, confidential to the extent reasonably possible consistent with the law and the Academy's obligation to conduct an appropriate investigation. In the event the information concerning the allegations becomes public, the Academy may respond or comment in a manner that it deems appropriate.

INVESTIGATOR'S REPORT

Following the completion of the investigation, the Investigator shall promptly prepare a written report of the investigation ("Investigation Report") that contains the following:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the Investigator;
- a copy of any document reviewed by the Investigator in connection with the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation and the name of any persons presented by the parties as witnesses and a summary of any evidence provided;

- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s), and the reason(s) why such individual(s) was not interviewed;
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation;
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy is substantiated or unsubstantiated using a preponderance of the evidence standard⁴;
- a description of any prior complaints made against the Respondent and/or by the Complainant, the resolution of any prior complaints, whether any information from the previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report⁵;
- a recommendation as to what, if any, remedial measure(s) (e.g., Harassment training, etc.) should be taken in light of the complaint and/or factual determination; and
- a recommendation as to what, if any, disciplinary measure(s), including suspension or termination, should be taken against the Respondent.

Upon completion of the Investigation Report, the Investigator shall forward it (including the findings of fact and recommendations) to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be completed within thirty calendar days and only rarely will the investigation exceed forty-five calendar days.⁶

THE DECISION

Within seven days of receiving the Investigation Report from the Investigator, the Decision Maker shall issue a written Decision (setting forth the basis therefor), which, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In making the Decision, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings or Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker's Decision. The Decision Maker shall promptly, no later than two calendar days,

⁴ A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.

⁵ Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous determinations of Discrimination, Harassment and/or Retaliation may be considered by the Investigator, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.

⁶ Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.

forward the Decision to the Investigator, the Respondent and Complainant, if any. In addition, the Decision Maker shall forward the Decision to any Academy officials the Decision Maker believes should be made aware of the Decision.

APPEALS

Within five calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based.

The sole grounds upon which a Complainant may base an appeal are as follows:

- the finding that the violation was unsubstantiated was not based on a preponderance of the evidence;
- material evidence exists that was not available to the Investigator or the Decision Maker during the investigation or prior to issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Complainant prior to the investigation or issuance of the decision; and/or
- any disciplinary measure to be taken against the Respondent is inadequate.

The sole grounds upon which a Respondent may base an appeal are as follows:

- the finding that the violation was substantiated was not based on a preponderance of the evidence;
- material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or the Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision; and/or
- any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five business days of receiving a timely appeal, the appropriate Appeal Officer shall request that the Investigator forward to the Appeal Officer: (i) the Investigation Report and investigative file; (ii) the Decision made by the Decision Maker; and (iii) the Investigator's written communications to the Complainant and Respondent informing each of the outcome of the investigation. Upon receiving such a request, the Investigator shall promptly forward these documents to the Appeal Officer. Upon receiving these documents, the Appeal Officer shall decide the appeal, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The

Appeal Officer shall have discretion to stay implementation of the Decision while the appeal is pending. The Appeal Officer shall issue a written appeal decision within five days following receipt of the material from the Investigator and transmit the decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The Appeal Officer may affirm the decision in whole or in part, modify the decision, reverse the decision, or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer shall forward the appeal decision to any Academy officials the Appeal Officer believes should be made aware of the appeal decision. Unless the Appeal Officer sends the decision back for further investigation, the Appeal Officer's decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

MISCELLANEOUS PROVISIONS

- All time periods may be extended by the Academy for good cause shown.
- In the event the allegations of Discrimination, Harassment or Retaliation are involved with other violations of Academy policies, the Academy reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be used sequentially, simultaneously or not at all. In the event a criminal investigation is also being conducted into events that are the subject of an investigation under this Policy, it will not delay the Academy's investigation into the same matter. However, the Academy may decide to coordinate its investigation with evidence being gathered during the criminal investigation.
- The Title IX Coordinator will also serve as the centralized record keeper of records concerning complaints and investigations and will ensure that Investigators and Decision Makers under this Policy are made aware of prior complaints and investigations involving Respondents. Additional records concerning complaints and investigations may also be maintained by the Director for Human Resources.
- Students may use this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is www.hhs.gov.
- At any time after a complaint is made, the Academy, Complainant and Respondent may decide an attempt should be made to informally resolve the complaint through informal methods such as mediation.
- The President or his or her designee may take steps that he or she may deem necessary and appropriate, on an interim basis during the pendency of an investigation or appeal, to protect the Complainant, the Respondent, or any other member(s) of the Academy community, and/or to protect the interests of the Academy. Such steps may include actions intended to separate individuals or minimize contact between them such as allowing students to change academic or living situations, temporarily transferring or suspending students, staff or faculty, or any other action deemed necessary and appropriate.

All questions about this Policy should be directed to the Title IX Coordinator.

RECORDS DISCLOSURE

Disciplinary proceedings conducted by the Academy are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the Academy without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings.

Additional information about the Academy's FERPA policies can be found in the [student handbook](#).

COMPLAINT FORM

Date(s) of Incident(s): _____

Complainant: _____

Person(s) About Whom Complaint Is Made: _____

Description of Incident(s) (attach additional sheets if necessary): _____

Name(s) of Witnesses(es), if any: _____

Has the incident(s) been reported before? †Yes †No. If yes, when, to whom, and what was the resolution? _____

Complainant Signature

Date

Complaint Received By:

Print Name

Title

Date Received