TITLE IX POLICY AND PROCEDURES FOR
ALLEGATIONS OF SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION

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I. Purpose

To set forth the policy and grievance procedures of Cold Spring Harbor Laboratory (“CSHL” or the “Laboratory”) with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., issued by the U.S. Department of Education (“2024 Title IX Regulations”).

Cold Spring Harbor Laboratory (“CSHL” and the “Laboratory”) is proud of its work and academic environment and strives to maintain a cordial and collegial environment for employees, students, guests, and visitors, all of whom are expected to treat each other with courtesy, consideration, and professionalism. The Laboratory does not tolerate sex discrimination, sex-based harassment, or retaliation (“Prohibited Conduct”) in its education programs and activities against members of the Laboratory’s community. The Laboratory will respond promptly and effectively to a report of Prohibited Conduct. The Laboratory will treat the parties equitably by offering supportive measures to the Parties and by following the investigation and resolution process described in this Policy before imposing any sanctions or other disciplinary actions or other measures against a Respondent.

For the purposes of this Policy, the individual who is alleged to have experienced Prohibited Conduct is referred to as the “Complainant.” Complainant also refers to an individual who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy and who was participating or attempting to participate in the Laboratory’s education program or activity at the time of the alleged Prohibited Conduct. The “Respondent” is the individual who is alleged to have committed the Prohibited Conduct. “Parties” collectively means both the Complainant and the Respondent.

In addition, for purposes of this Policy, Complaint means an oral or written request to the Laboratory to investigate and make a determination about alleged Prohibited Conduct under this Policy.

To the extent that this Policy and Procedure overlaps with the Laboratory’s Equal Employment Opportunity and Discrimination, Harassment and Retaliation Prevention Policy, this Policy will control in cases alleging Prohibited Conduct under this Policy.

II. Scope

This Title IX Policy and Procedures for Allegations of Sex Discrimination, Sex-Based Harassment, and Retaliation (“Policy”) addresses the Laboratory’s responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by the 2024 Title IX regulations and as set forth below. This Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024.
This Policy covers all education programs and activities and locations of the Laboratory and conduct that is subject to the Laboratory’s jurisdiction. This may include but is not limited to Laboratory-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus or off-site research facilities, field sites, and while in attendance at conferences and workshops connected to Laboratory activities or programs; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to the Laboratory’s operations and/or mission, or affects students. The Laboratory will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States, to the extent possible.

This Policy applies to all employees, applicants, students, and where specifically referenced certain non-employees, such as agents or other persons authorized by the Laboratory. This may include individuals involved in scientific, academic, educational, and recreational programs; visitors and guests; meetings and course participants; applicants in the admissions process; and recipients and/or providers of CSHL’s programs or services, including participants in CSHL or DNA Learning Center-based research projects, activities, and internships regardless of locations; subcontractors and all employees and applicants for employment in all positions.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

The Laboratory will make the Policy available on the Laboratory website. Misconduct outside the scope of this Policy may be addressed as appropriate by other Laboratory policies, including, but not limited to, the Laboratory’s Equal Employment Opportunity, Discrimination, Harassment and Retaliation Prevention Policy, the Code of Conduct, and the Student Code of Conduct. The Laboratory retains the right to revise this Policy in light of any changes to applicable law.

III. Prohibited Conduct

The following conduct is prohibited under this Policy:

A. **Sex Discrimination** - Sex discrimination refers to discrimination on the basis of sex, self-identified or perceived sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.

B. **Sex-Based Harassment** - Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is:

1. **Quid Pro Quo Harassment** - This occurs when an employee, agent, or authorized
person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under the Laboratory’s education program or activity, on another individual’s participation in unwelcome sexual conduct. Some examples of an aid, benefit, or service are hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment, such as what shifts and how many hours an employee might work, project assignments, and salary decisions.

2. **Hostile Environment** - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the Laboratory’s education program or activity. Behaviors that contribute to a hostile environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at a person based on their sex (including based on actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant’s ability to access the Laboratory’s education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the Laboratory’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in the Laboratory’s education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. The Laboratory is guided by the principles on affirmative consent as defined below.

3. **Sexual Violence (and Other Specific Offenses)** - is a form of sexual harassment. Sexual violence, as defined by the Office of Civil Rights, refers to the physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g. due to the victim’s age or use of drugs or alcohol or because of intellectual or other disability that prevents the victim from having the capacity to consent.) A number of different acts fall into the category of sexual violence, including sexual assault, rape, sexual battery, and sexual coercion/

   a. **Sexual Assault** - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of
Investigation (FBI). These sex offenses include rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. Specifically:

i. *Rape* is defined as the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

ii. *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

iii. *Sexual Assault With An Object* is defined as using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

iv. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

v. *Incest* is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

vi. *Statutory Rape* is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

b. **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.

c. **Domestic Violence** - A felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabited, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or
domestic violence laws.

d. **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.

C. **Retaliation** - Intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or related proceeding, including in an informal resolution process, in grievance procedures, and in any other actions taken by the Laboratory. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

D. **Related Definitions**

*Affirmative consent* is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity (further defined below). 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.

*Incapacitation* may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. This Policy covers a person whose incapacity results from mental, intellectual, or other disability, involuntary physical restraint, and/or from the use of alcohol or drugs.
IV. Title IX Coordinator and Administration of Policy

The administration of this Policy shall be the responsibility of the Vice President, Chief Human Resources Officer, Katie Raftery, and Julie Block-Rosen, who serves as the Title IX Coordinator for the Laboratory. The Title IX Coordinator is responsible for coordinating the Laboratory’s response to all Title IX complaints involving possible Prohibited Conduct, as well as monitoring and addressing barriers to reporting, assessing the campus climate, coordinating the effective implementation of supportive measures and remedies, as appropriate, along with other responsibilities. References to “Title IX Coordinator,” throughout this Policy and Procedures include designees of the Title IX Coordinator.

When notified of conduct that reasonably may constitute Prohibited Conduct under this Policy, the Title IX Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint of Prohibited Conduct that complies with the applicable grievance procedures. To make this fact-specific determination, the Title IX Coordinator, in coordination with others involved in the administration of this Policy, will consider, at a minimum, the following factors:

1. The Complainant’s request not to proceed with initiation of a complaint;
2. The Complainant’s reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another sanction or other disciplinary action 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 Laboratory;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
   a. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
   b. Whether the Laboratory could end the alleged Prohibited Conduct and prevent its recurrence without initiating its applicable grievance procedures.
If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the Laboratory from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. If initiating a complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant’s safety or the safety of others, including by providing supportive measures. The Title IX Coordinator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

Regardless of whether a complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within the Laboratory’s education program or activity.

V. Reporting Prohibited Conduct

A. Reporting to CSHL

The Laboratory strongly encourages the prompt reporting of all incidents of Prohibited Conduct under this Policy. For emergency or immediate assistance twenty-four (24) hours a day, seven (7) days a week contact Security at (516) 367-5555. All emergency contact numbers are listed on the reverse side of the CSHL identification card.

Any person may report a violation or alleged violation of this Policy at any time, including during non-business hours (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone, or by electronic mail or online portal, using the following contact information for the Title IX Coordinator:

Julie Block-Rosen
Compliance Counsel, and Title IX Coordinator
Nichols Building, 1 Bungtown Rd,
Cold Spring Harbor, NY 11724
Email: blockro@cshl.edu
Telephone: (516) 367-5017

To file a complaint involving the Title IX Coordinator, contact the Chief Operating Officer or Vice President, Chief Human Resources Officer, Katie Raftery.

Complainants may complete an online Incident Report Form located at https://incident.cshl.edu/ or through EthicsPoint, a third party hotline provider, on a secure server that is not part of the Laboratory at: https://secure.ethicspoint.com/domain/media/en/gui/46674/index.html, or by
calling EthicsPoint at 1-844-390-9805. The form, a report or complaint may be filed anonymously. Questions or concerns may be directed externally to the Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202; www.ocr.gov.

B. Reporting to Law Enforcement

A Complainant may pursue a criminal complaint with the appropriate law enforcement agency (if applicable), pursue a complaint through this Policy, or pursue both processes consecutively or concurrently. A Complainant may withdraw a complaint or involvement from the Laboratory process at any time.

If a Complainant wishes to pursue a criminal complaint exclusively, the Complainant may submit a request to temporarily defer the investigation and/or resolution process for a reasonable time by making a formal written request to the Title IX Coordinator, which may delay the investigation and the Laboratory’s ability to respond. The Laboratory will maintain documentation of the date of deferral. The Laboratory may continue its investigation where it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or other individuals. At any time, the Complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator, electing to resume the investigation and/or grievance process under this Policy. The Laboratory will provide written notice to the Complainant and Respondent when it resumes its investigation and grievance process under this Policy, as appropriate.

If a Complainant elects to pursue a criminal complaint exclusively, CSHL’s Director of Security will request that the Prosecutor’s Office immediately inform the Laboratory of its decision on whether to prosecute the complaint. CSHL will maintain documentation relating to the request.

Any individual who reports possible Prohibited Conduct will be provided written notice of their options to pursue a criminal complaint, to pursue a complaint through the Laboratory procedures, or to pursue both processes consecutively or concurrently, and the potential consequences of pursuing both options (i.e., possible deferral of the Laboratory’s investigation and disciplinary process, delays in the Laboratory’s investigation) to allow law enforcement to complete their fact finding, etc.). The Laboratory, through the Title IX Coordinator, will obtain written acknowledgment from the Complainant of his/her decision regarding which options, if any, the Complainant wishes to pursue.

The Laboratory will comply with all federal, state, and local mandates regarding the reporting of crimes to appropriate authorities.

C. Responsibilities of Employees to Report, Inform, and Cooperate

All members of the CSHL community who are not confidential employees are expected to assist and cooperate in the application of this Policy, in particular by cooperating in any investigation
under this Policy. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of this Policy may be subject to sanctions and other disciplinary actions, up to and including termination.

Confidential employees are designated Laboratory employees who, upon receiving information about Prohibited Conduct do not have reporting obligations to the Title IX Coordinator because: (i) federal or state law requires that their communications be privileged or confidential, but only with respect to information received while the employee is functioning within the scope of their duties to which the federal or state privilege or confidentiality applies; (ii) they provide services to individuals related to the Prohibited Conduct and received information about the Prohibited Conduct in connection with providing those services; or (iii) they are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about the Prohibited Conduct while conducting the study, but only with respect to information received while conducting the study. Confidential employees will be informed by the Laboratory of this designation.

The following employees who are not confidential employees are required to immediately report alleged Prohibited Conduct to the Title IX Coordinator upon receiving a complaint or information about alleged Prohibited Conduct, observing what may be Prohibited Conduct, or suspecting for any reason that Prohibited Conduct is occurring:

- Employees with administrative leadership responsibilities, including supervisors and managers;
- Faculty members and other employees with teaching responsibilities; and
- Employees with advising responsibilities.

This specifically includes the Title IX Coordinator, the Chief Operating Officer, the Director of the Laboratory’s School of Biological Sciences, the Director of Research, and Laboratory employees in a supervisory or management position.

All other employees who have information about conduct that reasonably may constitute Prohibited Conduct under this Policy, and who are not confidential employees must either: (i) immediately notify the Title IX Coordinator, or (ii) provide the reporting individual with the Title IX Coordinator’s contact information, information about how to make a complaint of Prohibited Conduct with the Laboratory, and state the following:

You have the right to make a report to Laboratory police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to the Laboratory; to be protected by the Laboratory from retaliation for reporting an incident; and to receive assistance and resources from the Laboratory.
Employees can be disciplined, up to and including termination, if they engage in Prohibited Conduct; fail to notify the Title IX Coordinator; or fail to provide appropriate information to any person who provides them with information about conduct that reasonably may constitute Prohibited Conduct under this Policy.

All employees have a responsibility to prevent Prohibited Conduct. Furthermore, any member of the CSHL community who observes or learns about the abuse of a minor is required to report it immediately to Security and applicable federal, state, or local entities, in accordance with the Laboratory’s Sexual Abuse of Children Prevention Policy.

D. Alcohol and/or Drug Use Amnesty for Students

The health and safety of every student at the Laboratory is of utmost importance. The Laboratory 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. The Laboratory strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Laboratory officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Laboratory officials or law enforcement will not be subject to the Laboratory's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

E. Confidentiality and Privacy

At the beginning of the process, the Laboratory will inform the Complainant(s) and Respondent(s) about confidentiality standards and privacy concerns. The Laboratory will provide the student-Complainant(s) and student-Respondent(s) with the Students’ Bill of Rights (see Section IX below).

Confidentiality can only be offered by medical providers and counselors with The SightMD Center for Health and Wellness. These individuals are not required by law to report incidents of Prohibited Conduct to the Title IX Coordinator or other Laboratory officials, except for purposes of reporting certain information in an anonymized manner that does not identify the specifics of the crime or the identity of the reporting individual. Confidential employees at the SightMD Center for Health and Wellness must explain to any person who informs them of conduct that reasonably may constitute Prohibited Conduct under this Policy of:

i. The employee’s status as confidential for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator
about conduct that reasonably may constitute Prohibited Conduct;

ii. How to contact the Title IX Coordinator and how to make a complaint of Prohibited Conduct; and

iii. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Even CSHL offices and employees who cannot guarantee confidentiality will maintain the parties’ privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution under this Policy.

The Laboratory will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties’ ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors), the ability of either party to discuss an investigation with other individuals, or otherwise prepare for or participate in the grievance process.

In all cases, privacy of information about complaints and investigations will be maintained to the extent required by law and to the extent possible given the Laboratory’s obligations under the law and under this Policy. The identity of the parties and any witnesses, as well as information about the investigation, will only be shared with those involved in the complaint process to the extent possible.

The Complainant may request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a report or complaint. While absolute confidentiality cannot be promised, CSHL will treat the concerns of the Complainant with sensitivity and respect. A Complainant will be informed that a request for confidentiality may limit the Laboratory’s ability to respond.

VI. Confidential Resources and Supportive Measures

A. Confidential Resources

It is important for individuals who have been the alleged victim of Prohibited Conduct (especially Prohibited Conduct that involves physical contact) to seek immediate and appropriate medical treatment. Such treatment is also important to preserve evidence that may be necessary for proving the Prohibited Conduct or obtaining an order of protection.

The SightMD Center for Health and Wellness is an on-site center for benefits-eligible CSHL students and employees, open Monday-Friday from 9am-1pm and 2pm-5pm, which is equipped to provide free, confidential, and professional medical care. The SightMD Center for Health and
Wellness is located in Dolan Hall, East Wing, and can be reached at 516-422-4222 or CSHLWellness@NSHS.edu. While Center staff members are unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when an individual requests or requires transportation to the North Shore University Hospital and University Hospital at Stony Brook. Both facilities are NYS-designated Sexual Assault Forensic Examiner Hospital Programs and provide specialized care to victims of sexual assault.

The SightMD Center for Health and Wellness also offers free on-site counseling services for benefits-eligible students and employees. Sessions are available on Wednesdays 8am-5pm and Fridays 12pm-5pm. Further, the Safe Center LI (formerly the Nassau County Coalition Against Domestic Violence (CADV) and the Coalition Against Child Abuse & Neglect (CCAN)), provides a broad spectrum of free services from counseling and housing assistance to advocacy and referrals. Lastly, the NYS Department of Health maintains a list of additional resources available to victims of Prohibited Conduct. Additional resources can be found at the New York State Office of Victim Services.

B. Supportive Measures

CSHL will offer non-punitive and non-disciplinary supportive measures without fee or charge, as appropriate, and to the extent reasonably available to the Complainant and/or to the Respondent upon receipt of a report or complaint alleging sex-based harassment involving students under this Policy. Supportive measures mean individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that party’s access to the recipient’s education program or activity, including measures that are designed to protect the safety of the parties or the recipient’s educational environment; or (2) provide support during the Laboratory’s grievance procedures, including specialized grievance procedures, or during the informal resolution process.

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, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The Title IX Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party’s safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an investigation will be conducted. The Laboratory may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the
conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially. Both the Complainant and Respondent may submit a written request to the Associate Dean to seek a modification or reversal of the Title IX Coordinator’s decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The Associate Dean will issue a determination if the Title IX Coordinator’s decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures within five (5) business days of the receipt of such a request.

The Laboratory will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party’s access to the education program or activity, and subject to the following exceptions: (i) when the Laboratory has obtained prior written consent to the disclosure from the applicable party; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the party; (iii) to carry out this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under Federal, State or local law. The Title IX Coordinator may consult, as appropriate, with designated officials or offices to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

On an emergency basis, CSHL may remove a student-Respondent from the Laboratory’s education program or activity, which includes but is not limited to denied access to the campus, facilities, events, classes, research laboratories, student housing or dining facilities, and/or all other activities or privileges for which the student-Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Title IX Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, the Laboratory will undertake an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Prohibited Conduct justifies removal. The Laboratory will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, CSHL may place he employee on administrative leave paid or unpaid, from employment responsibilities pending the grievance process of this Policy. In the event that a Respondent employee is accused of a violation that does not constitute grounds for immediate dismissal under
other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Title IX Coordinator may recommend that the employee be placed on administrative leave pending resolution of the matter. During such leave, an employee may be denied access to the Laboratory’s campus, facilities, or events. At the discretion of the Laboratory, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

The Laboratory will provide the Respondent with written notice of an opportunity to appeal the decision to remove a student-Respondent on an emergency basis or place an employee-Respondent on administrative leave. The written appeal request should state the reasons why the Respondent believes the removal or administrative leave should be overturned. The appeal request must be received by the Associate Dean within five (5) business days of the written notification. The Associate Dean will review the appeal to determine whether the decision was supported. The Associate Dean appeal determination shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the Associate Dean is final.

The Laboratory will promptly address any violation of the emergency removal or administrative leave. The Laboratory will take immediate and responsive action to enforce any violation of an emergency removal or administrative leave.

VII. Informal Resolution

At any time prior to the issuance of a determination related to alleged Prohibited Conduct, the Laboratory may offer informal resolution to the parties as alternative procedures to the grievance procedures, subject to the Laboratory’s discretion and applicable federal, state, and local laws. Informal resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Complaint. These informal procedures may include, but are not limited to, mediation, counseling, and/or any other means of resolving a complaint other than a formal resolution process. The informal resolution process attempts to resolve the issue with the Complainant and Respondent by mutual agreement. If an informal resolution process is used, CSHL strives to resolve the matter through that process within 30 business days.

Informal resolution is not appropriate for all alleged violations of this Policy and the Title IX Coordinator retains the discretion to determine which cases are appropriate for informal resolution. The Laboratory may decline to offer informal resolution when the Laboratory determines that the alleged conduct would present a future risk of harm to others.

The Laboratory will inform the parties in writing of the offer of informal resolution, along with their rights and responsibilities in the informal resolution process. Participation in the informal resolution process is voluntary, and CSHL will not require the parties to participate in an informal resolution process. Both parties must voluntarily consent to the informal resolution process. The Laboratory does not require the parties to waive the right to an investigation and determination of
a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

CSHL must obtain the parties’ voluntary, written consent to the informal resolution process. The Laboratory will provide the parties with written notice disclosing:

1. Information of the allegations;
2. The requirements of the informal resolution process;
3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient’s grievance procedures;
4. That the parties’ agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the Laboratory will maintain and whether and how the recipient could disclose such information for use in grievance procedures under this Policy, if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker, nor will the facilitator have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Written notification will promptly be sent by the Title IX Coordinator to the Complainant and the Respondent of the conclusion of the informal resolution process. The notification will describe the terms of the approved informal resolution agreement, if any. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact and restrictions on the Respondent’s participation in the Laboratory’s education programs or activities and attendance at specific events, as well as any remedies or sanction and/or other disciplinary actions that could have been imposed at the conclusion of grievance procedures. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the resolution may result in appropriate responsive actions.

VIII. Grievance Procedures

The Laboratory will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures of this Section VIII. The following sets forth the Laboratory’s grievance procedures for complaints of alleged Prohibited Conduct under the Policy. Consistent with the requirements of the Title IX regulations, the Laboratory has also established specialized requirements for complaints of alleged sex-based harassment involving a student Complainant or student Respondent. These specialized requirements are denoted in textboxes
within this Section VIII.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, the Laboratory will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, the Laboratory will consider the student-employee’s primary relationship to the Laboratory and whether the alleged conduct occurred as part of educational- or employment-related work.

A. Basic Requirements

The Laboratory’s grievance procedures for resolving complaints of alleged Prohibited Conduct under this Policy ensures the following basic requirements:

1. Equitable treatment of the Complainant and Respondent.

2. Individuals implementing the grievance procedures will be free of any conflict of interest or bias for or against Complainants or Respondents, either generally or individually.

3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.

4. The parties may bring an Advisor to accompany the party to meetings regarding the investigation. The Advisor of choice may be, but is not required to be, an attorney.

5. Major stages of the grievance process will be completed according to reasonably prompt timeframes, which the Laboratory estimates as follows:

   • Complaint evaluations will be completed within ten (10) business days of the date in which the Laboratory received the report of alleged conduct;

   • Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which the Laboratory receives the written request for such appeal.

   • Investigations will be completed within one hundred and twenty (120) business days of the date in which the Laboratory received the report of alleged conduct;

   • Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;

   • Appeals of the determination will be completed within fourteen (14) business days after receipt of the written request for an appeal panel.
• Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which the Laboratory will determine on a case-by-case basis. The Laboratory will send the parties written notice of any causes or reasons for the delay.

6. The Laboratory will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties’ ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors) or otherwise prepare for or participate in the grievance process.

7. The Laboratory will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. The Laboratory will exclude evidence, and questions seeking evidence, that are not relevant and that is impermissible regardless of relevance.

Relevant evidence means related to the allegations of Prohibited Conduct under investigation. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Impermissible evidence refers to:

a. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

b. 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 recipient obtains that party’s or witness’s voluntary, written consent for use in the recipient’s grievance procedures; and

c. 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 the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s consent to
the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

8. The Laboratory will not conduct credibility determinations based on a person’s status as a Complainant, Respondent, or witness.

9. The Laboratory will use consistent principles for the applicability of the grievance process under this Policy and the Laboratory’s Equal Employment Opportunity and Discrimination, Harassment, and Retaliation Prevention Policy.

**B. Complaint Evaluation**

Upon receipt of a report or complaint, the Title IX Coordinator or their designee will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a report and explain to the Complainant the process for submitting a complaint. If the potential Complainant is unknown, the Title IX Coordinator will make reasonable efforts to identify the potential Complainant and reach out to that person. During the intake meeting, the Title IX Coordinator will seek to get a basic understanding of the reported conduct so that the Title IX Coordinator can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be held as deemed necessary by the Title IX Coordinator.

The Title IX Coordinator will also meet with the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of the Policy. The Title IX Coordinator may dismiss a complaint of Prohibited Conduct if: (i) the Laboratory is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in the Laboratory’s education program or activity and is not employed by the Laboratory; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Laboratory determines that without the withdrawn allegations, the remaining alleged conduct would not constitute Prohibited Conduct even if proven; and (iv) the Laboratory determines the alleged conduct in the complaint, even if proven, would not constitute Prohibited Conduct. The Complainant must submit in writing to the Title IX Coordinator any voluntary withdrawal of the complaint or allegations.

In all other instances, if the Title IX Coordinator determines that the allegations, if true, could constitute a violation of the Policy, and that an investigation will commence, the matter will proceed to an investigation. The Title IX Coordinator or designee will conduct an investigation to determine if the Policy may have been violated.
The parties have the option of using grievance procedures in this Section VIII or the informal resolution procedures described later in this Policy. Under both options, the Title IX Coordinator will meet with the Complainant and the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will simultaneously provide the Complainant and Respondent with written notice of any decision(s) to dismiss a complaint, in whole or in part, the basis for the dismissal, the availability of supportive measures notwithstanding the complaint dismissal, and each party’s opportunity to appeal the dismissal decision. The Laboratory will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a complaint, in whole or in part, and the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur. In circumstances where the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing written notice to the Respondent and has delayed such notice, the Title IX Coordinator may forgo issuing written notice to the Respondent of any decision(s) to dismiss a complaint.

The Laboratory may consolidate complaints of alleged Prohibited Conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student as either Complainant or Respondent, the Laboratory’s specialized grievance procedures will apply.

C. Notice of Allegations

The Title IX Coordinator will notify the Complainant and Respondent, if known to the Laboratory, in writing of its decision to proceed to investigation of any alleged violation of this Policy. The Laboratory will provide the parties with sufficient time to review the written notice and prepare a response before any initial interview.

The Written Notice of Alleged Prohibited Conduct will provide the following information to the parties whose identities are known:

a. The grievance process under this Policy and the informal resolution process.

b. Sufficient information available at the time to allow the parties to respond to the factual allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct under this Policy, and the date(s), time(s), location(s), and factual allegation(s) of the alleged incident(s), to the extent that information is available to the Laboratory.

c. Information explaining that the parties may have an Advisor of their choice to accompany the party to meetings regarding the investigation, and that the Advisor may be, but is not
required to be, an attorney;
d. A statement that retaliation is prohibited.
e. Information explaining that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence (and the parties’ equal opportunity to request access to the relevant and not otherwise impermissible evidence if provided an investigative report).

For sex-based harassment complaints involving a student Complainant or student Respondent, the written notice must also include:

f. Information explaining that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker; and

g. Information explaining that the Laboratory prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, the Laboratory decides to investigate additional allegations of Prohibited Conduct, the Laboratory will provide notice of the additional allegations to the Complainant, Respondent, and other parties whose identities are known.

The Title IX Coordinator will notify the Complainant and Respondent, in writing and simultaneously, of its decision to proceed to investigation of any alleged violation of this Policy. The Laboratory will provide the parties with sufficient time to review the written notice and prepare before any initial interview.

To the extent the Laboratory has reasonable concerns for the safety of any person as a result of providing written notice, the Laboratory may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

**D. Investigation**

The Laboratory will respond promptly and effectively to reports or complaints of Prohibited Conduct. The Laboratory will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct. The investigation will include the following steps:

a. The Laboratory will ensure that the burden is on the Laboratory (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
b. The Title IX Coordinator or designee will conduct the investigation;
c. The Laboratory will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
d. The Laboratory will provide a process that enables the Title IX Coordinator, investigator or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct; this process must:
   - Allow the investigator to ask such questions during individual meetings with a party or witness;
   - Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the Title IX Coordinator, investigator or designee during one or more individual meetings, including follow-up meetings, with a party or witness; and
   - Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
e. The Laboratory will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
f. The Laboratory will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of Prohibited Conduct, and issue to the parties a written investigative report that accurately summarizes this evidence;
g. The Laboratory will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether Prohibited Conduct occurred; and
h. The Laboratory will take reasonable steps to prevent and address the parties’ unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct.

For sex-based harassment complaints involving a student Complainant or student Respondent, the following provisions apply:

   i. The Laboratory will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
j. The Laboratory will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. The Laboratory may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures,
and any such restrictions will apply equally to the parties.

k. The Laboratory will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties’ choice present during the investigations or related meetings;

l. The Laboratory will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties;

m. Prior to a question being posed by one party to the other party or to a witness, the Title IX Coordinator, investigator or designee will determine if the proposed question is relevant and not otherwise impermissible and will provide an explanation for any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing to a party or witness will not be permitted. Each party will be given an opportunity to clarify or revise a question that has been determined to be unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked;

n. The Title IX Coordinator, investigator, or designee may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible, however, no inference about whether sex-based harassment occurred will be based solely on a party’s or witness’s refusal to respond to relevant and not impermissible questions; and

o. The Laboratory may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.

Should an employee-Respondent resign while an investigation is pending, the records of the employee will reflect that status and the Laboratory’s response to any future inquiries regarding employment references for that individual may also reflect that the employee resigned while an investigation was pending. The Laboratory may complete the investigation in these instances based on the information available.

Should a student-Respondent decide to voluntarily withdraw and/or not participate in the investigation and/or other proceedings under the grievance procedures, the process may nonetheless proceed in their absence to completion.

E. Written Determination

The Laboratory will use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred following an investigation and evaluation of all relevant and not otherwise impermissible evidence.

The Laboratory will simultaneously notify the parties in writing of:

a. The determination of whether the preponderance of the evidence establishes a
violation of the Policy,

b. Any applicable sanctions, other disciplinary actions, and/or remedies,
c. The factual findings and rationale supporting the determination and any applicable sanctions, disciplinary actions and/or remedies, and
d. The procedures and permissible bases for appeal available to both parties.

For sex-based harassment complaints involving a student Complainant or student Respondent, the written determination will also include:

e. A description of the alleged sex-based harassment;
f. Information about the policies and procedures that the Laboratory used to evaluate the allegations;
g. The evaluation by the Title IX Coordinator, investigator, or designee of the relevant and not otherwise impermissible evidence, the findings of fact, determination whether sex-based harassment occurred and rationale for the determination as applicable;
h. When there is a finding that sex-based harassment occurred, any sanctions or other disciplinary actions the Laboratory will impose on the Respondent, whether remedies other than the imposition of sanctions or other disciplinary actions will be provided by the Laboratory to the Complainant, and, to the extent appropriate, other students identified by the Laboratory to be experiencing the effects of the sex-based harassment; and

i. The Laboratory’s procedures for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the Laboratory 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.

F. Appeals

The Respondent and/or the Complainant may appeal the written determination of responsibility by the decisionmaker (as applicable, the Title IX Coordinator, investigator, or designee), or the Laboratory’s closure or dismissal of a complaint or allegations therein to the appeal panel. Either party may also appeal before the appeal panel the sanctions or discipline imposed by the applicable decisionmaker. The members of the appeal panel will not the same person as the decisionmaker that reached the determination regarding dismissal, the investigator(s), or the Title IX Coordinator.

The Laboratory will implement the appeal procedures equally for both parties and will use the preponderance of the evidence standard for its determination. A request for an appeal must be submitted in writing to the Associate Dean for consideration by an appeal panel within two (2) calendar days of the issuance of the written determination. Upon notice of the assignment of the appeal panel, the parties will have two (2) calendar days to raise any objections to the Associate
Dean regarding the ability of any member of the appeal panel to conduct an impartial appeal. When an appeal is filed by one party, the Laboratory will notify the other party in writing that an appeal has been filed. The Laboratory will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

An appeal of the decision may be considered if one of the following grounds is present:

- **Procedural Error**: A procedural error occurred that affected the outcome, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal. Minor or harmless deviations from the process will not invalidate the proceedings.

- **New Evidence**: New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.

- **Conflict of Interest or Bias**: The Title IX Coordinator, investigator(s), or designee(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Once an appeal request is received, a decision will be issued on eligibility for appeal usually within five (5) business days. If the process is extended beyond five (5) days, the Associate Dean will inform the parties of the extension of time to complete the appeal and the reason(s) for the extension. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. Regardless of whether all parties request an appeal, the Complainant and Respondent will be informed in writing, and permitted to participate in the appeal and to respond to the information provided by the other party.

The role of the appeal panel regarding appeals is limited. Appeals are not intended to be a full rehearing of the complaint and are confined to a review of the statements submitted by the parties to request or respond to the appeal request, materials from the investigative record, and documentation pertinent to the grounds for appeal.

The Laboratory strives to complete the appeals process within fourteenth (14) business days after receipt of the written request for an appeal. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. The appeal panel will simultaneously notify both parties in writing of that outcome, including the result of the appeal and the rationale for the result. The decision shall be final.
G. Sanctions, Other Disciplinary Actions, and Remedies

For purposes of this policy,

- Sanctions and disciplinary actions are consequences imposed on a Respondent by the Laboratory following a determination that the Respondent has violated this Policy. As described below, violations of this Policy are subject to the full range of institutional discipline, up to and including suspension or termination from the Laboratory, removal from Laboratory events and premises, and referrals to authorities for criminal prosecution, as appropriate.

- Remedies are measures provided, as appropriate, to a Complainant or any other person the Laboratory identifies as having had their equal access to the recipient’s education program or activity limited or denied by the Prohibited Conduct. These measures are provided to restore or preserve that person’s access to the Laboratory’s education program or activity after a determination that Prohibited Conduct occurred.

If there is a determination that the preponderance of the evidence supports that Prohibited Conduct occurred, the Written Determination will include a description of the applicable sanctions, other disciplinary actions, and remedies as appropriate. The Title IX Coordinator will coordinate the imposition of any sanctions and/or other disciplinary actions on a Respondent, including notification to the Complainant of any such sanctions, and take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within education program or activity. The Title IX Coordinator will also coordinate the provision and implementation of remedies to a Complainant and other persons the Laboratory identifies as having had equal access to an education program or activity limited or denied by the Prohibited Conduct.

The Laboratory will provide the parties with an opportunity to make an impact statement prior to any deliberation on appropriate sanctions.

Factors considered when determining a sanction or other disciplinary action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- An individual’s disciplinary history;
- Class standing (hours earned) where necessary to determine the impact of the sanction on the Complainant, Respondent, or CSHL community. The academic records of the parties shall not be considered in determining sanctions;
- Previous allegations involving similar conduct;
- Completion of required training related to this Policy;
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;
• The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation; and
• The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community.

The Laboratory will not impose discipline on a Respondent for Prohibited Conduct under this Policy unless there is a determination at the conclusion of the grievance procedures that the preponderance of the evidence establishes that Respondent engaged in Prohibited Conduct under this Policy.

The Laboratory will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Laboratory’s determination whether Prohibited Conduct occurred.

The following are the possible sanctions that will be imposed upon individuals who are found to be responsible for violations of this Policy. The sanctions listed below may be imposed singularly or in combination and second or subsequent offenses will receive more severe sanction. Possible sanctions include, but are not limited to:

• Warning: Notice, verbally or in writing, that continuation or repetition of the Policy violation may be cause for additional disciplinary action.
• Censure: A written reprimand for violating the Policy.
• Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time.
• Reassignment or Transfer
• Restitution: Repayment to the Laboratory or to an affected party for damages (amount to be determined by the Laboratory) resulting from a violation of the Policy. To enforce this sanction against students, CSHL reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
• Removal from Laboratory Housing: Respondents may be removed from Laboratory housing and/or barred from applying for Laboratory housing due to disciplinary violations of the Policy.
• Suspension: Temporary exclusion from Laboratory premises, attending classes, and other privileges or activities for a specified period of time. Notice of this action will remain in the individual’s conduct file and will be permanently recorded on a student’s academic transcript. Conditions for readmission may be specified in the suspension notice.
• Expulsion: For students, permanent termination of student status and exclusion from CSHL premises, privileges, and activities. This action will be permanently recorded on the student’s academic transcript. For employees, termination of employment, including permanent exclusion from Laboratory premises and other privileges or activities. Notice of this action will remain in the employee’s conduct file.
• Termination of Employment
• Revocation of Admission and/or Degree: For students, admission to, or a degree awarded by, the Laboratory may be revoked.
• Withholding Degree: For students, CSHL may withhold awarding a degree otherwise earned until completion of the process in the Policy, including the completion of all sanctions imposed, if any.
• Other: Other sanctions may be imposed, including, but not limited to: meetings with administrators, psychological assessment, alcohol or drug counseling, no contact orders, or the assignment of service, education or research projects.

For student-Respondents, sanctions imposed by the decision maker are implemented immediately.

Sanctions of suspension and expulsion are permanently noted on a student’s transcript. For violent misconduct, the Laboratory shall make a notation on the transcript of students found responsible under this Policy that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the Respondent who withdraws from the Laboratory while such conduct charges are pending, and declines to complete the disciplinary process, the Laboratory shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” A Respondent may file an appeal to the Associate Dean seeking removal of a transcript notation for a suspension, but the notation shall not be removed prior to one year after conclusion of the suspension, and notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

For employee-Respondents, sanctions, discipline, and remedies recommended by the decisionmaker will be forwarded to the President, Chief Human Resources Officer and General Counsel of the Laboratory immediately for review. All parties are expected to comply with sanctions or discipline within the time frame specified. Failure to follow or complete the sanctions or discipline by the date specified – whether by refusal, neglect, or any other reason – may result in additional sanctions or disciplinary action up to and including termination from CSHL. The decision maker may also decide to provide remedies to the Complainant.

H. Conflicts of Interest or Bias

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any Laboratory employee involved in the grievance procedures, including the Title IX Coordinator, Associate Dean, Investigator, appeal panel, or any person designated by the Laboratory to evaluate the complaint, conduct the investigation, or facilitate an informal resolution process. The Laboratory employee involved in the process should disqualify themselves in a matter or proceeding in which the member’s impartiality might reasonably be questioned, including but not limited to instances where the individual has a prejudgment of the facts at issue, conflict of
interest, or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. An employee who fails to disqualify themselves or notify the Title IX Coordinator of potential conflicts of interest or bias is subject to disciplinary action, up to and including termination.

A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any Laboratory official or employee involved in the grievance procedures (including the Title IX Coordinator, Associate Dean, investigator, or other designed individual(s)) on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended, and the Title IX Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days. If the Laboratory employee or official is found to have a bias or conflict of interest against either party, the Laboratory employee or official will be removed from the matter and (when necessary) replaced. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of the Laboratory employee or official, whichever occurs first.

VIII. Records

The Laboratory will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions the Laboratory took to meet its obligations under this Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this Policy.
- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.

Records will be retained in accordance with the New York State Model Records Retention Schedule. Complaints and information gathered in the course of an investigation will be kept private to the extent permitted by law.

IX. Students’ Bill of Rights

The Laboratory’s statement of the rights of student Complainants and student Respondents is available, at https://www.cshl.edu/phd-program/student-bill-of-rights/.

Effective August 1, 2024