HUMAN RESOURCES POLICIES AND PROCEDURES

Chapter 4: Workplace Conduct

Policy: 4.5a - Sexual Misconduct, Relationship Violence, and Stalking Policy

Responsible HR Department: Employee & Labor Relations 212-404-3857

I. STATEMENT OF POLICY

NYU Hospitals Center, the NYU School of Medicine, and NYU Langone Health System (collectively referred to herein as “NYU Langone”) seeks to maintain a safe learning, living, and working environment. To that end, this policy prohibits Sexual Misconduct, which includes Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. This policy also prohibits Relationship Violence, Stalking, and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. These prohibited forms of conduct are unlawful, undermine the character and purpose of the Medical Center, and will not be tolerated.

NYUL adopts this policy with a commitment to: (1) preventing Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (“Prohibited Conduct”); (2) fostering a community in which such conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and comfortable in reporting Prohibited Conduct; and (4) identifying the standards by which violations of this policy will be evaluated. This policy defines Prohibited Conduct; outlines available resources and reporting options available to students and employees; and references the applicable investigative and disciplinary procedures. NYUL will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. NYUL also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

NYUL does not discriminate on the basis of sex or gender in its education or employment programs and activities.

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

This policy applies to all Prohibited Conduct occurring on or after the effective date of this policy. In the case of Prohibited Conduct occurring before the effective date of this policy where either (a) the report of such Prohibited Conduct is made on or after the effective date of this
policy or (b) the report was made before the effective date of this policy but the report has not
resolved as of the effective date of the policy, the issue of whether there was a violation of
NYUL policy will be determined under the policy or policies in effect at the time the conduct
occurred but the procedures under this policy will apply (except that the procedures in effect
immediately prior to the effective date will apply where a hearing had been scheduled prior to
the effective date).

II. TO WHOM THE POLICY APPLIES

This policy applies to NYU School of Medicine students, including graduate students, residents,
fellows, or interns at NYU Langone, including any students enrolled at the Sackler Institute at
NYU School of Medicine(collectively referred to herein as “Students”); NYU School of
Medicine and NYU Hospitals Center employees, including faculty and visiting faculty,
professional staff, and administrators (“Employees”); contractors, vendors, or other third parties
within NYUL’s control (“Third Parties”); and visitors or guests of NYUL (together, “Covered
Persons”). This policy pertains to acts of Prohibited Conduct committed by Students, Employees
and Third Parties when:

(1) the conduct occurs on NYUL premises;

(2) the conduct occurs in the context of an NYUL employment or education program or
activity, including, but not limited to NYUL-sponsored study abroad, research, or
internship programs; or

(3) the conduct occurs outside the context of an NYUL employment or education program or
activity, but (i) has continuing adverse effects on NYUL premises or in any NYUL
employment or education program or activity or (ii) occurs in close proximity to NYUL
premises and is connected to violative conduct on NYUL premises.

Other forms of discrimination, including discrimination based on race, religion, and disability, as
well as any other form of sex-based discrimination not covered by this policy, are addressed by:
(1) the Avoiding Workplace Harassment and Discrimination Policy (HR Policy 4.5), and (2) the
Compliance Hotline Complaint Policy. This policy supersedes any conflicting information
contained in those policies with respect to the definitions or procedures relating to Prohibited
Conduct. A Covered Person who has a question about which policy applies in a specific instance
can contact NYUL’s Title IX Coordinator (212-404-3871).
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This Policy and its related procedures may also, at the Medical Center’s discretion, apply to a Respondent’s reported violations of other Medical Center policies if, in the Medical Center’s judgment, those other allegations are directly related to the reported Prohibited Conduct.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the status of the Respondent. Each set of procedures is guided by the principles of fairness and respect for a Complainant and a Respondent. Where a Respondent is both a Student and an Employee, (a) the Student-Respondent procedures will apply if the Respondent is a full-time Student but not a full-time Employee, (b) the Employee-Respondent Procedures will apply if the Respondent is a full-time Employee but not a full-time Student, or (c) NYUL’s Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates and the role most applicable in the incident). However, irrespective of which of the Student-Respondent or Employee-Respondent procedures applies in such cases, either of the sanctions applicable to Students or Employees can be imposed.

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

<table>
<thead>
<tr>
<th>Procedures for Reports of Prohibited Conduct Committed by Students¹</th>
<th>Procedures for Reports of Prohibited Conduct Committed by Employees</th>
<th>Procedures for Reports of Prohibited Conduct Committed by Third Parties</th>
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</thead>
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<tr>
<td>See Appendix A to this policy, Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Students</td>
<td>See Appendix B to this policy, Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Employees</td>
<td>Contact NYUL’s Title IX Coordinator who will identify the appropriate procedures that apply based on the role of the Third Party and the nature of any contractual relationship with NYU.</td>
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¹ Procedures for residents, fellows, and interns are set forth in Appendix A.1 to this policy, Procedures for Reports of Prohibited Conduct Committed by Residents and Fellows.
IV. ENFORCEMENT

A Student or Employee determined by NYUL to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action, up to and including separation from NYUL. Third Parties who violate this policy may have their relationship with NYUL terminated and/or their privilege of being on NYUL premises withdrawn. NYUL reserves the right to take action against a Covered Person who commits an act of Prohibited Conduct outside the scope of this policy.

V. TITLE IX COORDINATOR

The Vice President, Employee & Labor Relations serves as NYUL’s Title IX Coordinator. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education, training, and notifications; overseeing complaints; and coordinating NYUL’s investigation, response, and resolution of all reports under this policy. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures.

Concerns about NYUL’s application of Title IX, the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Clery Act; and, in New York, the New York State and City human rights laws under this policy may be addressed to NYUL’s Title IX Coordinator, the School of Medicine’s Student Affairs Office, the United States Department of Education, Clery Act Compliance Division, or the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481.

VI. RESOURCES AND REPORTING OPTIONS

NYUL offers resources for both Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community Confidential Resources; and available support with academics, housing, and work:

- Students should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students.
- Employees should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees.
• Third Parties should contact the Title IX Coordinator to discuss available campus resources and reasonably available assistance.

A. PROTECTIVE MEASURES AND ACCOMMODATIONS:

Upon receipt of a report involving a Student or Employee Complainant, NYUL will take and/or make available reasonable and appropriate measures to protect the Complainant and the Complainant’s access to NYUL employment or education programs and activities, prevent retaliation, and avoid an ongoing hostile environment, which may include protective measures before the final outcome of an investigation. Such protective measures and accommodations, which may be temporary or permanent, may include separation orders, residence modifications, academic accommodations, work schedule modifications, transportation assistance, and other reasonable and appropriate measures. Reasonable and appropriate protective measures and accommodations are available for Student and Employee Complainants regardless of whether an investigation under the applicable procedures is pursued. NYUL also will take and/or make available such measures and accommodations for Student and Employee Respondents where reasonable and appropriate under the circumstances. NYUL will maintain the privacy of any accommodations or protective measures provided under this policy to the extent practicable.

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

Violation of the terms of a protective measure, including but not limited to no contact or persona non grata orders, is a violation of this Policy and will subject the person who violates the protective measure to additional charges and sanctions under this Policy.

B. PRIVACY AND CONFIDENTIALITY:

NYUL is committed to protecting the privacy of Covered Persons involved in a report under this policy. NYUL also is committed to providing assistance to help Covered Persons make informed choices. With any report under this policy, NYUL will make reasonable efforts to protect the privacy interests of Covered Persons involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.
Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, resolution of the report, and related issues. All NYUL employees who are involved in NYUL’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

The privacy of Student education records will be protected in accordance with NYU School of Medicine’s Guidelines for Compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual’s medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to personnel records in New York is restricted in accordance with NYUL’s Policy on Employee Files. Laws in other relevant jurisdictions may provide privacy protections.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, counselors in the NYU Center for Sexual Misconduct Support Services (SOM students only), and ordained clergy, all of whom normally have privileged confidentiality that is recognized by New York State law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law or court order. Laws in other relevant jurisdictions may provide confidentiality protections.

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

1. Confidential Resources (individuals with legally-protected confidentiality);
2. Reporting Options (designated offices or individuals where a report can be made); and
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(3) Employees designated as Responsible Employees (those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees).

The respective ability of these categories of individuals to maintain a Complainant’s confidentiality differs. Confidential Resources can maintain the confidentiality of a Complainant’s disclosures, subject to the exceptions discussed above. While private, Reporting Options and Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with the Title IX Coordinator even Medical Center offices and employees who cannot guarantee confidentiality will maintain your privacy to the extent reasonably possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to coordinate an investigation and/or seek a resolution.

**Clery Act Reporting:** Pursuant to the Clery Act, New York University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in an anonymized manner that does not include the specifics of the crime or any identifying information about persons involved in an incident.

**C. CONFIDENTIAL RESOURCES:**

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

Confidential Resources for Employees include the Work/Life Assistance Program (800-437-0911). For a complete list of NYUL and community-based Confidential Resources for Employees, see the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees.

**D. REPORTING:**

NYUL strongly encourages Covered Persons who become aware of an incident of Prohibited Conduct to report the incident to local law enforcement by contacting 911 (or equivalent in other jurisdictions) and to NYUL by contacting one of the following NYUL Reporting Options:
In addition NYU School Of Medicine students may contact one of the following University offices:

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>NYU Community Standards &amp; Compliance</th>
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<tr>
<td>212-998-2352</td>
<td>212-998-4403</td>
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<tr>
<th>NYU Department of Public Safety</th>
<th>Student Resource Center Helpline</th>
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<td>212-998-2222</td>
<td>212-998-4411</td>
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There is no time limit on reporting violations of this policy, although NYUL’s ability to respond may be limited as evidence may be less available and memories may fade, and Respondents may no longer be affiliated with NYUL.

**Student Amnesty Policy:** The health and safety of every student at NYU School of Medicine is of utmost importance. NYUL 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 Relationship Violence, Stalking, or Sexual Assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. NYUL strongly encourages Students to report incidents of Prohibited Conduct to NYUL officials. A bystander, Complainant, or other individual making a report that discloses any incident of Prohibited Conduct to NYUL’s officials or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Prohibited Conduct.

**Bad faith reports:** Submitting a false report or providing false or misleading information
in bad faith or with a view to personal gain in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

VII. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Prohibited Sexual Misconduct includes the following specifically defined forms of behavior: Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. Also prohibited are Relationship Violence, Stalking, and Retaliation.

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

A. Sexual or Gender-Based Harassment: Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when one or more of the following conditions are present:

(i) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual’s employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a NYUL program or activity (quid pro quo);

(ii) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (quid pro quo); or

(iii) Such conduct has the purpose or effect of unreasonably interfering with an individual’s learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile or offensive learning, working, or living environment under both an objective - a reasonable person’s view - and subjective - the Complainant’s view - standard (hostile environment).
Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute Sexual or Gender-Based Harassment include but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, or Stalking as defined by this policy;
- Physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes or unwelcome comments about an individual’s sexual orientation or gender identity; or
- Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual’s sexual orientation or gender identity.

B. Sexual Assault: Sexual assault is having or attempting to have sexual contact with another individual by force, threat of force, or coercive conduct, without affirmative consent, or where that individual is incapacitated.

Sexual contact includes but is not limited to:

- Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, however slight; or
- Sexual touching (fondling) or intentional contact with the breasts, buttocks, groin, or genitals.

C. Sexual Exploitation: Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual’s nudity or sexuality, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:
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- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has a reasonable expectation of privacy such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties);

- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person’s affirmative consent;

- Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;

- Exposing one’s genitals to another person without affirmative consent;

- Prostituting another individual; or

- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual’s knowledge.

D. Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence, including Sexual Misconduct, Stalking, or Physical Assault, against a person who is, or has been involved in a sexual, dating, domestic, or other intimate relationship with that person. Physical Assault includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

E. Stalking: Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more acts including but not limited to unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property. Substantial emotional distress means significant mental suffering or anguish.
Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

F. Retaliation: Retaliation means any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

VIII. RELATED DEFINITIONS: CONSENT, FORCE, AND INCAPACITATION:

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

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

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

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

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

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

Coercion is conduct, including intimidation and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual activity.

C. **Incapacitation:** An individual who is incapacitated lacks the ability to knowingly choose to participate in sexual activity or make informed, rational judgments and thus cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, involuntarily restrained, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one’s own conduct. Physically helpless means a person is physically unable to communicate unwillingness to an act.

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

IX. **VIOLATIONS OF LAW:**

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

The New York State Penal Code describes prohibited Sex Offenses in §§ 130.00 to 130.91 and
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130.95 to 130.96 and prohibited Stalking Offenses in §§ 120.45 – 120.60. Covered Persons studying, working, or engaging in other activities at one of NYUL’s locations outside of New York State are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. Behavior that violates this policy also may subject a Respondent to civil liability.

X. STUDENTS’ BILL OF RIGHTS:

Under this Policy, all students have the right to:

1. Make a report to local law enforcement and/or state police.

2. Have disclosures of Relationship Violence, Stalking, and Sexual Assault treated seriously.

3. Make a decision about whether or not to disclose a crime or violation and participate in the University’s disciplinary process free from pressure by the University.

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

5. Be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available.

6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.

7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident.

8. Be reasonably protected from Retaliation by the University, any student, the Respondent, and/or their friends, family and acquaintances within the University’s jurisdiction.

9. Access to at least one level of appeal of a determination.

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

XI. CONSENSUAL RELATIONSHIPS:

Sexual behavior that is welcome or consensual by all involved parties does not constitute Prohibited Conduct. However, consensual sexual relationships in situations where one individual has power or authority over another may result in claims of Prohibited Conduct, and/or may give rise to complaints by others of disparate treatment. Examples of such relationships may include: a professor and his/her Student, a supervisor and a subordinate Employee, or a coach and team member. If such a consensual relationship occurs, any situation of authority should be discontinued immediately.

XII. PREVENTION AND AWARENESS PROGRAMS:

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

XIII. ADDITIONAL POLICY DEFINITIONS:

“Complainant” means the Covered Person who presents as the victim of any Prohibited Conduct under the policy, regardless of whether that individual makes a report or seeks action under the policy.

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

“NYUL” means the NYU School of Medicine; NYU Hospitals Center, and all Medical Center affiliates.
“Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred.

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

“Respondent” means the Covered Person(s) who has been accused of violating the policy.

“Responsible Employee” means those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. This includes the NYUL Title IX Coordinator; Security Department Staff; senior staff members in Residence Life, Student Affairs, Student Activities, and Athletics.

“School” for purposes of this policy means NYU School of Medicine and includes the Sackler Institute at the NYU School of Medicine.

**XIV. RELATED POLICIES:**

Disruptive Behavior Policy

Code of Conduct

Compliance Hotline Complaint Policy

Avoiding Workplace Harassment and Discrimination Policy