

American Museum of Natural History

Title IX Sex-Based Discrimination Policy (“the Policy”)

-and-

Grievance Procedures for Responding to Complaints of
Title IX Sex-Based Discrimination (Procedures)

Effective August 1, 2024

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INTRODUCTION

The American Museum of Natural History (“the Museum”) does not discriminate on the basis of sex in the educational programs or activities that it operates, and the Museum is required by Title IX and accompanying federal regulations not to discriminate in such a manner. This requirement not to discriminate in educational programs or activities extends to admission and employment decisions. The Museum is committed to fostering an environment that is free from sex-based discrimination, as these terms are defined in Title IX of the 1972 Education Amendments, and the subsequent regulations released by the Department of Education’s Office of Civil Rights (“OCR”).

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. Only incidents falling within the regulations’ definition of sex-based discrimination or harassment will be investigated and adjudicated through this Title IX Sex-Based Discrimination Policy and Grievance Procedures for Responding to Title IX Sexual Harassment (“the Policy”) defined below.

However, the Museum remains committed to addressing any violations of its policies, even those not meeting the standards defined under the 2024 Title IX Final Rule.

The following are several important points about sex-based discrimination that this Policy addresses:

- Title IX sex-based discrimination comprises a broad range of behaviors focused on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that may or may not be sexual in nature.
- The definition of Title IX sex-based discrimination also includes allegations of sexual assault, stalking, domestic violence, and dating violence as those terms are defined in federal law, including but not limited to the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (“the Clery Act”).
- Title IX sex-based discrimination can occur between strangers, acquaintances, or people who know each other well, including those individuals involved in an intimate or sexual relationship.
- Title IX sex-based discrimination can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender identities.

The Museum does not tolerate any form of Title IX sex-based discrimination. Any individuals who may have experienced Title IX sex-based discrimination can file complaints and participate in the grievance procedures set out in more detail below, or they can seek resolution through an Informal Resolution, also detailed below. Individuals found responsible for a Title IX violation will be sanctioned in accordance with this Policy. Individuals who experience Title IX sex-based discrimination may also be able to pursue criminal and civil processes, in addition to or instead of the procedures under this Policy.

Any person may report sex discrimination, including but not limited to Title IX sex-based discrimination as that term is defined below, in person, by mail, by telephone, or by electronic mail, by contacting the Museum’s Title IX Coordinator:

Benjamin Marzolf, Title IX Coordinator / Equal Opportunity Specialist
The American Museum of Natural History
200 Central Park West, Hall of Meteorites, Section 6, First Floor

Phone: (212) 769-5316
Email: bmarzolf@amnh.org

Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. Questions about the application of Title IX and accompanying federal regulations may be referred to the Museum's Title IX Coordinator, or to the Assistant Secretary of the Department of Education's Office of Civil Rights at 1-800-421-3481 or ocr@ed.gov, or both.

This Policy and the accompanying Grievance Procedures are part of a multifaceted approach toward eliminating Title IX sex-based discrimination in the Museum community. This approach includes: (1) training programs; (2) services and resources for those affected by Title IX sex-based discrimination; (3) accessible, prompt, and fair methods of investigation and adjudication of reports of Title IX sex-based discrimination; and (4) protections designed to prevent recurrence.

The Policy first provides definitions of Title IX sex-based discrimination and related concepts. The Procedures then describe available resources and reporting options and explain whether and to what extent reports are confidential. The Procedures also address what supportive measures may be available for the parties as appropriate, restore or preserve each person's access to the Museum's educational programs or activities, or provide support through the Title IX process.

The Procedures spell out the grievance procedures to be followed for matters involving the filing of a complaint, as well as the rights and obligations of individuals in connection with this process. The Appendices at the end of the document include the New York State Student's Bill of Rights under New York Education Law Article 129-B, and a listing of resources available to individuals affected by Title IX sex-based discrimination, including phone numbers, locations and websites.

Nothing in the Policy or the Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the Museum's educational mission.

Effective Date: This Policy will become effective on August 1, 2024. Any Title IX complaint(s) where the conduct occurred prior to August 1, 2024, will be governed by earlier versions of this policy or Museum's other pre-existing policies, including but not limited to the [Anti-Harassment Policy](#) and/or the [Gender-Based Misconduct Policy](#) ("GBM Policy"), which are also available under the "Policies" section of the HR page of the Staff Portal.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Procedure, the Procedure in its entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or the Anti-Harassment Policy and/or the Gender-Based Misconduct Policy ("GBM Policy").

No Conflicts of Interest or Bias: Any individual designated by the Museum as an investigator, Title IX Coordinator, decision-maker(s), appeal panelist, or any person designated by the Museum to facilitate an informal resolution process, will not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

Note: While this Policy and the Procedures identify the Museum office or employee who will typically perform certain roles or duties, the Museum may designate other Museum offices or employees to perform any roles or duties described in the Policy or Procedures. Additionally, any reference to “days” in this Policy and these Procedures refers to business days, defined below.

SCOPE OF THE POLICY AND PROCEDURES

This Policy and the Procedures govern allegations by or against individuals alleging Title IX sex-based discrimination. It applies to incidents that occur within the United States¹ that:

1. Occur in connection with Museum sponsored educational programs or activities;
2. Occur after August 1, 2024;
3. Occur on campus, off campus, or while studying abroad; and
4. The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Policy and the Regulations.

Museum sponsored educational programs and activities are all the operations of the Museum within the Richard Gilder Graduate School (“RGGS”) and the Education Department’s programs within the United States and conduct for which the Respondent is subject to the Museum’s disciplinary authority. The Museum has the obligation to address a sex-based hostile environment under its educational program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the Museum’s educational program or activity or outside the United States. This includes, but is not limited to, participation in field work, conferences, events and meetings related to work at the Museum or off-site.

This Policy and the Procedures govern incidents involving both students and employees of the Museum. It also applies to postdoctoral trainees, as well as volunteers, visiting scholars, and research associates while they are working at the Museum, regardless of their length of stay (all of whom, with the Museum staff, constitute the “Museum community”).

The Museum’s Department of Human Resources has overall responsibility for the Policy and Procedures. The Department of Human Resources may designate other offices or employees to perform any roles or duties described in the Policy and Procedures.

The Museum also has other policies on harassment, violence and gender-based misconduct for faculty, staff and other individuals working at or with the Museum which do not implicate Title IX of the Education Amendments of 1972 or accompanying regulations. Specifically, allegations of misconduct involving students that do not meet the definition of Title IX sex-based discrimination are covered under the [RGGS GBM Policy](#), available on the Museum’s Staff Portal or through Human Resources. Allegations of misconduct involving Museum faculty and staff that do not meet the definition of Title IX sex-based discrimination, including but not limited to allegations of discriminatory harassment, are covered under the Museum’s [Anti-Harassment Policy](#), available on the Museum’s Staff Portal or through Human Resources.

¹ Allegations of sex-based discrimination that occurred outside the United States are generally not covered by Title IX; however, the Museum has an obligation to address a sex-based hostile environment in its educational program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the Museum’s educational program or activity or outside the United States. The Museum’s Title IX Coordinator will work with all Complainants to assess such complaints that may fall under these criteria, and direct to appropriate Policies and Procedures that may apply if this Grievance Procedure does not. The Museum will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section below.

- Procedures for addressing complaints of bullying or harassment (other than Title IX sex-based discrimination) by or against students are addressed in the [RGGGS](#) and MAT Handbooks for Students and Faculty on Academic and Conduct Policies and Procedures, available on the Staff Portal, and should be brought to the attention of the Department of Human Resources, the Dean of RGGGS, or Museum administrators overseeing the MAT Program.
- Procedures for addressing complaints of bullying or harassment (other than Title IX sex-based discrimination) by or against employees are addressed in the [Anti-Harassment Policy](#), available under the “Policies” section of the HR page of the Staff Portal.
- Additionally, the Museum has separate policies of [standards of conduct](#) and safety that apply to Museum staff and mentors with regard to pre-K-12 and undergraduate participants in educational programs, and for ad hoc interns and those in regular internship programs, also available on the Staff Portal.

Employees, students, and third parties may contact Human Resources to inquire about their rights under any of these policies, request assistance, seek information about filing a complaint, receive copies of the above policies, or report conduct or behavior that may violate these policies. The relevant contact information for Human Resources can be found after the Procedures at the end of this document.

Title IX Sex-Based Discrimination Policy (“the Policy”)

The Museum does not discriminate on the basis of sex and prohibits sex discrimination in any educational program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution’s policy or process may contact the U.S. Department of Education’s Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>. Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at <https://dhr.ny.gov/complaint>.

Additionally, the Museum has not adopted or implemented any policy, practice, or procedure concerning a student or employee’s current, potential, or past parental, family, or marital status that treats students or employees differently on the basis of sex.

If a student is pregnant or has a pregnancy-related condition, that individual, or a person who has a legal right to act on behalf of the student, should contact the Title IX Coordinator to coordinate any reasonable modifications to ensure the student’s equal access to the Museum’s educational program or activity.

The Museum also does not permit retaliation in any form and an allegation of retaliation will be treated as its own potential policy violation.

Inquiries or to make a report about Title IX may be referred to the Museum’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The Museum’s Title IX Coordinator is:

Benjamin Marzolf

Associate Director, Title IX Coordinator / Equal Opportunity Specialist

200 Central Park West, 1st Floor Hall of Meteorites

Email: bmarzolf@amnh.org

Phone: 212-769-5316.

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 express willingness to engage in the sexual contact or activity. It is important not to make assumptions. If there is confusion or ambiguity, participants in sexual activity need to stop and verbally clarify each person’s willingness to continue.
 - Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, coercion, or from a person who is incapacitated (as defined

below).

- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue engaging in the sexual contact or activity.
- Consent may be initially given but can be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

How Drugs and Alcohol Affect Affirmative Consent

- Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given.
 - The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use may include but are not limited to: slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility.
 - Whether sexual activity with an incapacitated person constitutes Title IX sexual harassment may depend on whether the individual knew or should have known of the other party's incapacitation based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the individual's position.
 - Being intoxicated, impaired or incapacitated by alcohol or other drugs is not an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent.
 - The use of alcohol or other drugs does not make someone responsible for being subjected to Title IX sexual harassment.
 - Minors who cannot consent under New York's law covering the age of consent (17) are considered incapacitated.
 - Consent" and "affirmative consent" may be used interchangeably under this Policy.
- *Administratively separate unit* means a department of the Museum, admission to which is independent of admission to any other component of the Museum.
 - *Admission* means selection for enrollment or matriculation into the Computational Biology PhD Program or the Masters of Arts in Teaching and Earth Science Residency Program at the Museum.
 - *Business Days* means Monday through Friday, from 9:00 a.m. - 5:00 p.m., excluding days on which the Museum's administrative offices are closed.
 - *Bystander* means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.
 - *Code of conduct* means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

- *Complainant* means a student or employee who is alleged to be the victim of conduct that could constitute Title IX sex-based discrimination and was participating or attempting to participate in the Museum’s educational program or activity at the time of the alleged discrimination, or a person other than a student or employee who is alleged to be subjected to conduct that could constitute sex discrimination under Title IX, and who was participating or attempting to participate in the Museum’s educational program or activity at the time of the alleged discrimination.
- *Complaint* means an oral or written request that objectively could be understood as a request to investigate and make a determination about alleged discrimination under Title IX.
- *Confidential Employee* means:
 - (1) an employee of the Museum whose communications are privileged under Federal or State law. The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
 - (2) an employee of the Museum whom the recipient has designated as confidential for the purpose of providing services to persons related to Sex-Based Discrimination. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about Sex-Based Discrimination in connection with providing those services; or
 - (3) an employee of the Museum who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Discrimination. The employee’s confidential status is only with respect to information received while conducting the study
- *Decision-maker(s)* means one of the following: (i) the individual(s) responsible for reviewing the Investigative Report and issuing a decision regarding responsibility, as described more fully in the procedures below; or (ii) the individuals responsible for reviewing any appeal submitted after a determination, provided that the decision-maker(s) for the appeal are not the same person as the decision-maker(s) that reached the determination regarding responsibility, as described more fully in the procedures below.
- *Disciplinary Sanctions* means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated the Museum’s prohibition on Sex-Based Discrimination.
- *Educational program or activity* are all the educational operations of the Museum’s administratively separate units in the United States within RGGGS, or any classes or professional learning opportunities offered through the Museum’s Education Department. The Museum has the obligation to address sex-based hostile environment under its educational program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the Museum’s educational program or activity or outside the United States.
- *Parental status* means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability is:
 - A biological parent;
 - An adoptive parent;
 - A foster parent;
 - A step-parent;
 - A legal custodian or guardian;
 - *In loco parentis* with respect to such a person; or
 - Actively seeking legal custody, guardianship, visitation, or adoption of such person.
- *Party* means Complainant or Respondent.
- *Peer Retaliation* means retaliation by a student against another student.

- *Pregnancy and related conditions*, means pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- *Relevant* means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.
- *Remedies* means measures provided, as appropriate, to a Complainant or any other person the Museum identifies as having had their equal access to the Museum’s educational program or activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person’s access to the Museum’s educational program or activity after the Museum determines that Sex-Based Harassment occurred.
- *Respondent* means an individual who is alleged to have violated the Policy.
- *Retaliation* means intimidation, threats, coercion, or discrimination against any person by a student, or an employee, or other person authorized by the Museum to provide aid, benefit, or service under the Museum’s educational program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding, including in an informal resolution process, in grievance procedures, and in any other actions taken by the Museum pursuant to this policy. The protections against retaliation apply to reports made or information provided in good faith, even if the alleged report is determined not to be a policy violation. Retaliation may be found even when the underlying charge does not constitute a violation of this or other Museum policies.
- *Student* means an individual who has gained admission to the Computational Biology PhD Program at the Museum, or the Masters of Arts in Teaching and Earth Science Residency Program at the Museum.
- *Supportive measures* are 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:
 - Restore or preserve that party’s access to the Museum’s educational program or activity, including measures that are designed to protect the safety of the parties or the Museum’s educational environment; or
 - Provide support during the grievance procedures or during the informal resolution process. Provide support during the grievance procedures or during the informal resolution process.
- *Title IX sex-based discrimination* is discrimination on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment is considered a form of sex-based discrimination.
- *Title IX sex-based harassment* means sexual harassment and other harassment on the basis of sex as included in the definition above for sex-based discrimination, that is:
 - (1) *Quid pro quo* harassment, which occurs when an employee, agent, or other person authorized by the Museum to provide an aid, benefit, or service under the Museum’s educational program or activity explicitly or implicitly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
 - (2) *Hostile environment* harassment, which occurs when there is 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 Museum’s educational program or activity (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of

- the following: (i) the degree to which the conduct affected the Complainant's ability to access the Museum's educational program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within the Museum's educational 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) Sex-Based Harassment in the Museum's Education Program or Activity;
- (3) *Sexual Assault* (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving consent;
 - (4) *Dating Violence* (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship;
 - (5) *Domestic Violence* means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York; or
 - (6) *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

POLICY ON CONSENSUAL RELATIONSHIPS

The Museum does not have a blanket prohibition against consensual romantic relationships in the workplace or among students and recognizes that many people meet their partners through a shared interest in their professional and academic pursuits. The Museum expects individuals to act professionally, and to consider the appropriate time and place for romantic activities. Sexual activity is prohibited on Museum premises. For the complete Policy on Consensual Relationships, please visit the Staff Portal or Human Resources.

NOTE: DISABILITY ACCOMMODATIONS

Generally

This procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with Museum personnel responsible for accommodation requests to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504

of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

Supportive and Interim Measures

The Museum can provide supportive measures at any time, and may impose certain interim measures after a complaint has been filed. In this Policy, “Supportive Measures” applies to both Supportive and Interim Measures.

The Title IX Coordinator will work with all individuals affected by Title IX sex-based discrimination (complainants, respondents, and possibly witnesses) to ensure their safety and promote their well-being. Sometimes this assistance will take the form of appropriate accommodations intended to provide support and relief.

Supportive Measures

The parties may request supportive measures (as defined in the Definitions section) even in cases where an investigation is not undertaken or either party has declined to participate in the Museum grievance process or the criminal process.

Supportive measures may vary depending on what the Museum deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; Museum escort services; increased security and monitoring of certain areas of the Museum; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, 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 Museum may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process. Supportive measures will not unreasonably burden either party and will be designed to protect the safety of the parties or the Museum’s educational environment, or to provide support during the grievance procedures, or during an informal resolution process. Supportive measures will not be imposed for punitive or disciplinary reasons.

The Museum 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 Museum’s educational program or activity, or there is an exception that applies, such as:

- The Museum has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in the Museum’s educational program or activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Note on Orders of Protection and their equivalent: The Museum must provide a copy of the order of protection or equivalent when it is received by the Museum, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator, who can explain the order and answer questions about it, including

information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from the Museum in effecting an arrest when an individual violates an order of protection or, if Museum Security does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

Process for Review of Supportive Measures

The Museum provides for a Complainant or Respondent to seek modification or reversal of the Museum's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the educational program or activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of the Museum, who did not make the challenged decision on the original supportive measure request. The impartial employee of the Museum who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

Emergency Removal

The Museum retains the authority to remove a Respondent from all or part of the Museum's educational program or activity on an emergency basis, where the Museum (1) undertakes an individualized safety and risk analysis, and (2) determines 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 Sex-Based Harassment justifies removal.

Interim Measures

An individual who has experienced Title IX sex-based discrimination may also be entitled to obtain remedies under applicable law, such as an order of protection. The Title IX Coordinator and the Museum's Department of Security and Safety can assist an individual in contacting law enforcement or legal service organizations to learn about these remedies.

The Museum may also take action through directives (known as "interim measures") to ensure the safety of all parties involved, and to protect the integrity of a pending investigation or disciplinary process. The Museum may also place an employee Respondent on administrative leave from employment responsibilities during the pendency of the Museum's grievance procedures.

Failure to comply with supportive and interim measures or other Museum directives is a violation of this Policy and may lead to disciplinary action as described in this Policy.

PROCEDURES FOR RESPONDING TO FORMAL COMPLAINTS OF TITLE IX SEX-BASED DISCRIMINATION AND HARASSMENT (“GRIEVANCE PROCEDURES”)

This section first describes resolution and disciplinary processes, available resolution options, and other important procedural information, including about privacy, advisors, and time frames.

Throughout these procedures, both the Complainant and the Respondent have the right to:

- Respect, dignity, and sensitivity
- Appropriate support from the Museum
- Privacy to the extent possible and consistent with applicable law and Museum policy
- Information about this Title IX Sex-Based Discrimination Policy
- The presence of an advisor throughout the process, subject to the specifics provided below
- Participate or to decline to participate in an investigation or informal resolution process (however, a decision not to participate in an investigation or informal resolution process either wholly or in part will not prevent the process from proceeding with the information available)
- A prompt and thorough investigation of the allegations
- Equal opportunity to access either the relevant and not otherwise impermissible evidence, or the written investigative report that accurately summarizes this evidence. The parties will also have an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- An appeal of any determination whether sex-based discrimination occurred, or a dismissal of the complaint or any allegations therein
- Notification, in writing, of the case resolution, including the outcome of any appeal
- Report the incident to law enforcement at any time.
- Understand that information collected in the process may be subpoenaed in criminal or civil proceedings.

Per New York State Law, the Museum is also required to additionally ensure that Complainants are advised of their right to:

- Notify Museum Security, local law enforcement, and/or state police;
- Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated New York Penal Law should be addressed to law enforcement or to the district attorney, who shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the Complainant of other reporting options;
- Disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Complainants;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;

- File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance, ensure that Complainants know that reports shall be investigated in accordance with this Grievance Procedure and/or any other institutional policies that may be applicable, and ensure that a Complainant's identity will remain private at all times if said Complainant wishes to maintain privacy;
- Disclose, if the accused is an employee of the Museum, the incident to the Museum's Human Resources Department or the right to request that a confidential or private employee assist in reporting to the appropriate representative for the Human Resources Department, at which point, such referral shall be handled according to the appropriate policies and procedures related to employee complaints;
- Receive assistance from appropriate Museum representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from the Museum's Grievance Procedure at any time.

RESOURCES

The Museum encourages all individuals affected by Title IX sex-based discrimination to seek immediate assistance. Seeking assistance promptly may be important to ensure a Complainant's physical safety or to obtain medical care, emotional support, or other support; it may also be necessary to preserve evidence, which can assist the Museum and/or law enforcement in responding effectively. The Resources listed at the end of this document in Appendix C provide contact information for people at the Museum and community resources available to help, including but not limited to certain resources that are available to provide assistance 24 hours a day, 7 days a week.

Some resources for confidential disclosure **NOT** to the institution are:

- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYSCASA: <https://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>.

For a complete list of support resources and contact information, please review Appendix C.

REPORTING TITLE IX SEX-BASED DISCRIMINATION AND CONFIDENTIALITY

The Museum encourages individuals to report Title IX sex-based discrimination to the Title IX Coordinator so that the Museum can investigate and respond effectively. Individuals may meet with the Title IX Coordinator to learn more about the process before moving forward. The Museum respects the privacy of those reporting Title IX sex-based discrimination and participating in the process. Individuals should be able to seek the assistance they need without fear that the information they provide will be

shared more broadly. Federal and state laws, however, impose reporting obligations on certain employees that, in some circumstances, can require them to share information from a report of Title IX sex-based discrimination with law enforcement, the Title IX Coordinator, or the Department of Security and Safety.

Notification of Rights at the Time of First Disclosure; Explanation of Privacy & Confidentiality

At the first instance of disclosure by a student Complainant to a “non-confidential” Museum representative, the following information shall be presented to the reporting individual:

“You have the right to make a report to the Department of Security and Safety, local law enforcement, or State Police or choose not to report; to report the incident to the Museum; to be protected by the Museum from retaliation for reporting an incident; and to receive assistance and resources from the Museum.”

Title IX Coordinator

The Museum’s Title IX Coordinator or their designee is responsible for overseeing the Museum’s response to reports of Title IX sex-based discrimination and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator oversees the administration of this Policy and the Procedures in a neutral and equitable manner.

The Title IX Coordinator supports and provides assistance to individuals affected by Title IX sex-based discrimination. The Title IX Coordinator does not act as an advocate but is a neutral resource available to everyone studying or working at the Museum. The Title IX Coordinator is responsible for referring individuals to available resources, offering appropriate protections and supportive measures, and coordinating the grievance procedures set out in this Policy. The Title IX Coordinator can provide support and assistance immediately following an incident involving Title IX sex-based discrimination, and may assist individuals seeking accommodations or supportive measures, including cases where a Complainant chooses not to engage in the process or when the Respondent is not affiliated with the Museum.

Reporting Title IX Sex-Based Discrimination to Law Enforcement

As noted above, individuals may, in their discretion, choose to report Title IX sex-based discrimination to the New York City Police Department, the Manhattan District Attorney’s Office, or to the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New York City. The Museum is required to report instances of violent felony offenses occurring on Museum premises to the New York City Police Department, though this can be done on an anonymous basis.

The Museum process and criminal justice system work independently from one another. Law enforcement authorities do not determine whether a violation of this policy has occurred, and the criminal justice system uses different standards related to proof and evidence. Any questions about whether a specific incident violated the penal law should be addressed to law enforcement. Individuals may consult the chart at the end of this Policy for further information about the differences between the Title IX sex-based discrimination and criminal processes.

The Title IX Coordinator can explain how to report sexual assault and other forms of Title IX sex-based discrimination to law enforcement, and a manager from the Department of Security and Safety or the Title IX Coordinator can accompany any individual requesting support to the Police Department or District Attorney’s Office. However, they cannot serve as a substitute for legal advice on these matters.

Confidentiality: Confidential & Non-Confidential Counseling Resources

The Museum does not have any confidential employees as defined by the 2024 Title IX regulations. However, the Museum can connect individuals with confidential resources outside the Museum. Individuals who are confidential resources will not report crimes to law enforcement or Museum officials without

permission, except for extreme circumstances, such as a health and/or a safety emergency. Even when the recipient of a report of Title IX sex-based discrimination has an obligation to report to others (and are “non-confidential” under this Policy), such individuals will endeavor to protect and respect the reporting individual’s privacy to the greatest extent possible and share information only on a need-to-know basis. The information provided to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution. For more information on confidentiality, see the section below.

Museum employees seeking confidential counseling in connection with allegations of Title IX sex-based discrimination are encouraged to use a variety of resources. For a complete list of support resources and contact information, please review Appendix C at the end of this policy or visit the Staff Portal for the most up-to-date information.

For students, the Museum has designated Student Affairs Facilitator(s) of the Ph.D. in Comparative Biology and MAT programs as advising resources. *The Student Affairs Facilitator(s) are not, however, licensed counselors or confidential resources for allegations of Title IX sex-based discrimination.*

Students enrolled in RGGS programs who are in need of confidential counseling services may use a variety of resources. For a complete list of support resources and contact information, please review Appendix C at the end of this policy or visit the Staff Portal for the most up-to-date information.

[Requesting Confidentiality in Connection with a Report to the Title IX Coordinator](#)

An individual who discloses potential Title IX sex-based discrimination to the Title IX Coordinator may request that the Title IX Coordinator not disclose their identity to anyone else, including the person who allegedly committed the misconduct. The Museum will not be able to conduct grievance procedures or an informal resolution without disclosing the identity of the reporting individual; however, the Museum may still be able to provide supportive measures to that person, and will still address the reported concerns to comply with Title IX.

If the Title IX Coordinator elects to investigate reported Title IX allegations in lieu of the Complainant and there is an investigation or other resolution as a result of this Title IX complaint, written notice of allegations will be sent to known parties outlining the allegations, and will include the identity of the parties, if known. In rare instances, the Title IX Coordinator may determine that an investigation or other resolution process should proceed, even though the written notice of allegations does not include the Complainant’s identity. However, if a Complainant still refuses to participate in the resolution process, the Museum may be severely limited in its ability to address the allegation.

The Title IX Coordinator will reveal information about investigations and disciplinary proceedings related to Title IX sex-based discrimination only to those who need to know in order to carry out their duties and responsibilities. In all cases, the Title IX Coordinator will take appropriate steps designed to counteract the effects of the alleged Title IX sex-based discrimination, prevent its recurrence, and provide supportive measures and accommodations for the parties involved. If there is reason for concern about possible retaliation or harm, the Title IX Coordinator will take protective measures in consultation with the affected parties.

[Privacy vs. Confidentiality](#)

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or Museum officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Museum offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns

and spotting systemic issues. The Museum will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Other Information About Reporting

The Museum does not limit the time for submitting a report of Title IX sex-based discrimination,² but a report or complaint should be made as promptly as possible following the alleged misconduct to ensure the Museum can investigate appropriately. The Museum's ability to investigate and respond effectively may be reduced with the passage of time and the loss of reliable evidence. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of Title IX sex-based discrimination. The Museum may be limited in its ability to respond when the Respondent is no longer part of the Museum community, though the Museum will still work to offer supportive measures requested by the Complainant.

In cases where Title IX sex-based discrimination is reported to the Title IX Coordinator by someone other than the individual who was subjected to the alleged misconduct, the Title IX Coordinator will in most situations promptly notify the affected individual (i.e. the Complainant) that a report has been received. This Policy and the Grievance Procedures will apply in the same manner as if the affected individual had made the initial report. The Title IX Coordinator will make every effort to meet with the affected individual to discuss available options and on-campus and off-campus resources.

Student Amnesty for Alcohol and/or Drug Use; Non-Museum Respondents; Public Awareness Events & Forums

Individuals who have been drinking and/or using illegal drugs (whether such use is voluntary or involuntary) at the time that Title IX sex-based discrimination, 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 Museum strongly encourages individuals to report Title IX sex-based discrimination of any kind involving members of the Museum community to the Title IX Coordinator. Accordingly, the Museum has adopted the following policy:

A student (including a bystander), acting in good faith, who discloses any incident of Title IX sex-based discrimination to a Museum staff member or law enforcement will not be subject to disciplinary action for their own potential violations of alcohol and/or drug policies occurring at or near the time of the Title IX sex-based discrimination.

The Title IX Coordinator will, if possible and requested, investigate reports of incidents involving members of the Museum community that also involve persons who are not members of the Museum community or whose identity is not known, if such incidents are otherwise governed by this Policy, and will assist the affected individuals in identifying appropriate supportive resources. If this policy is inapplicable, the allegations may be reviewed under other Museum policies such as the Anti-Harassment Policy or RGGG GBM Policy.

The Museum supports public awareness events and other forums. These activities help fulfil the need for community-wide education and prevention efforts. The disclosure of incidents of Title IX sex-based discrimination at such events or forums hosted by RGGG is not considered a complaint to the Museum for purposes of triggering a Title IX investigation of a particular incident, unless it indicates an imminent and serious threat to the health and safety of a complainant, any students, employees, or other persons. However, in all cases the Museum will use this information to inform its efforts to prevent sex-based discrimination,

² As noted above, this Title IX Sex-Based Discrimination Policy will become effective on August 1, 2024, and will only apply to allegations of sex-based discrimination that occurred on or after August 1, 2024. Allegations that occurred prior to August 1, 2024, will be investigated and adjudicated according to the Museum's pre-existing policies, including the 2020 Title IX Sexual Harassment Policy, the Anti-Harassment Policy, and/or the RGGG GBM Policy.

including by providing tailored training to address alleged sex-based discrimination in a particular part of its educational program or activity or at a specific location when information indicates there may be multiple incidents of sex-based discrimination.

Advisors

The Complainant and Respondent are both provided the opportunity to be accompanied to any related meeting or proceeding under this policy by the advisor of their choice, who may be, but is not required to be, an attorney. If a party is a minor, the person(s) who has/have parental status of that individual must accompany the party and their advisor of choice, if applicable. Individual parties may retain counsel independently, but the Museum will not arrange or pay for an attorney or an advisor to represent a Complainant or Respondent. Advisors may provide support and advice throughout the grievance procedures.

During the grievance process, the advisor may talk quietly with the individual or pass notes in a non-disruptive manner. The advisor may not intervene in an investigation meeting or address the investigator, including by giving evidence or making objections. While advisors may provide guidance and assistance, all written submissions must be authored and signed by the Complainant or Respondent personally. The Investigator reserves the right to remove an advisor at any time or reschedule based on unprofessional behavior on the part of the advisor.

All Museum administrators, including the Title IX Coordinator, will communicate directly with the Complainant and Respondent, rather than with the advisor. It is the Complainant's/Respondent's responsibility to communicate with their advisor, including but not limited to information related to scheduling and process updates.

Advisors must sign an agreement to comply with this policy and procedures. If an advisor fails to abide by such guidelines, the advisor may be prohibited from attending ongoing or future meetings. The agreement will be provided to the party and their advisor when the party requests an advisor or notifies the Museum that they have an advisor.

Declining to Participate

The Title IX Coordinator will make multiple efforts to engage the participation of the Complainant and/or Respondent in the process; however, either party may decline to participate in any step of this process, including the investigation and/or any subsequent appeal. Declining to schedule a meeting with investigators or refusal to respond to contact by the Title IX Coordinator may preclude or limit participation in later stages of the process.

The process may continue without the Complainant's and/or Respondent's participation. The Title IX Coordinator may choose to dismiss the complaint if the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Museum determines that, without the Complainant's withdrawn allegations, the conduct that remains in the complaint, if any, would not constitute Title IX sex-based discrimination. A refusal to participate during the investigation stage of the process will preclude a Complainant or Respondent from submitting new information absent extraordinary circumstances; however, the Complainant or Respondent may submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process. Even if a party declines to participate at any stage of the process, the Title IX Coordinator will continue to update each party throughout the process, unless a party submits a written request to the Title IX Coordinator to cease contact with them.

I. Title IX Grievance Procedure for Sex-Based Discrimination

A. Filing a Complaint

Who can make a Complaint?

- A Complainant; or
- The Title IX Coordinator.

Note on Title IX Coordinator initiated Complaints: 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 must determine whether to initiate a complaint of sex-based discrimination.. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex-based discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex-based Discrimination, including whether the sex-based discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the Museum;
- The scope of the alleged sex-based discrimination, including information suggesting a pattern, ongoing sex-based discrimination, or sex-based discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex-based discrimination occurred; and
- Whether the Museum could end the alleged sex-based discrimination and prevent its recurrence without initiating this Grievance Procedure.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the Museum from ensuring equal access on the basis of sex to its educational program or activity, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator does initiate the complaint after making this determination, the Title IX Coordinator must 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 as listed above.

Is there a particular format that the complaint needs to be in?

A complaint can be an oral or written request to the Museum that objectively can be understood as a request for the Museum to investigate and make a determination about alleged sex-based discrimination at the Museum.

Who can I report a complaint to?

Any reports of sex-based discrimination may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this policy. There are other ways in which a party may report a complaint.

The Museum requires that any employee who either has authority to institute corrective measures on behalf of the Museum or has responsibility for administrative leadership, teaching, or advising in the Museum's educational programs or activities must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-based discrimination.

All employees at the Museum who are not employees as identified above are required to either: 1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-based discrimination; or 2) provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex-based discrimination, to any person who provides the employee with information about conduct that reasonably may constitute sex-based discrimination under this policy.

What is the timeframe for the Museum to evaluate if the Title IX Coordinator is initiating an investigation under this policy?

The Title IX Coordinator must evaluate whether the complaint falls under this policy three (3) business days after the complaint is made and must issue the Notice of Allegations as soon as practicable after the complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notify the parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. The Museum has an obligation to appropriately evaluate all complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process (see Appendix C). Per New York state law, it is required that the Museum's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.

B. Multi-Party Situations and Consolidation of Complaints

The Museum may consolidate complaints alleging sex-based discrimination 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 of sex-based discrimination arise out of the same facts or circumstances.

The Museum can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the parties; and
- Any risks to the fairness of the investigation or outcome.

C. Allegations Potentially Falling Under Two Policies:

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

D. Dismissal of a Complaint

Grounds for Dismissal

The Museum may dismiss a complaint of sex-based discrimination for any of the following reasons:

- The Museum is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the Museum's educational program or activity and is not employed by the Museum;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Museum determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based discrimination under Title IX or this policy, even if proven; or
- The Museum determines that the conduct alleged in the complaint, even if proven, would not constitute sex-based discrimination under Title IX or this policy.

Notice of Dismissal

If the Museum dismisses a complaint, the Museum is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notify the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will be notified of the complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Museum will notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights will also be outlined in any notification of dismissal of a complaint, as included immediately below under *Appeal of Dismissals*.

Appeals of Dismissals

The Museum will notify the Complainant within three (3) business days of a decision to dismiss the complaint and that the dismissal may be appealed. The Complainant may appeal the dismissal of a complaint within five (5) business days of notice on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the Museum's own policy to a degree that had material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based discrimination occurred or dismissal of the complaint was made; and
- The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then the Museum will also notify the Respondent that the dismissal may be appealed on the grounds set out above. The Respondent will have five (5) business days to respond to the Complainant's appeal of the dismissal.

Supportive measures remain available during the pendency of the appeal. If a party appeals, the Museum will, as soon as practicable, notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals will be decided by an Appellate Panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or decisionmaker in the same matter.

The outcome of an appeal will be provided in writing simultaneously to both parties and include the rationale for the decision.

E. Notice of Allegations

Upon initiating the Museum's Grievance Procedures, the Title IX Coordinator shall provide notice of the allegations in writing to the parties whose identities are known. Such notice will occur within three (3) business days after receiving a complaint, if there are no extenuating circumstances.

What does the Notice of Allegations Include?

The written Notice of Allegations will include:

- The Museum's Grievance Procedures and the Museum's Informal Resolution processes;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the parties to respond to the allegations, which includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based discrimination under the policy, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Museum;
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- A statement that the Respondent is presumed not responsible for the alleged sex-based discrimination until a determination is made at the conclusion of the Museum's Grievance Procedure 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;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- The Museum's policies prohibits knowingly making false statements or knowingly submitting false information during the Museum's Grievance Procedures; and
- If, in the course of an investigation, the Museum decides to investigate additional allegations of sex-based discrimination by the Respondent toward the Complainant, or other affected individuals, that are not included in the original written Notice of Allegations provided, the Museum will provide written notice of any additional allegations to the parties whose identities are known.

What if I have safety concerns about a Notice of Allegations being issued to a Respondent?

If you have such concerns, communicate as much to the Title IX Coordinator and the Museum will evaluate whether or how those safety concerns will be addressed.

F. Investigation

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Museum will perform an investigation of the conduct alleged to constitute sex-based discrimination in a reasonably prompt timeframe, after issuing the Notice of Allegations.

The Museum, and not the parties, has the burden to conduct an investigation that gathers sufficient evidence to determine whether sex-based discrimination occurred under this Grievance Procedure. This burden does not rest with either party, and either party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from the Museum and does not indicate responsibility.

The Museum will not access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong, or of whom the records include information. The Museum will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

Notice of Participation

The Museum will provide 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, if a party is invited or expected to participate in any such meeting or proceeding.

Expert Witnesses

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call “expert witnesses” for credibility assessment by the investigator/decisionmaker. The Museum does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to provide information to the investigator/decisionmaker, the investigator/decisionmaker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all parties present experts as witnesses.

Access to and Review of the Investigative Report

The Title IX Coordinator and/or investigator designated by the Museum will provide each party and their advisor of choice, if applicable, with an equal opportunity to access and review an accurate description of the relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The parties and their advisors of choice, if applicable, will also have an equal opportunity to access and review the underlying relevant and not otherwise impermissible evidence summarized in the investigative report.

The Title IX Coordinator and/or investigator designated by the Museum will provide each party and their advisors of choice, if applicable, with a reasonable opportunity to respond to the investigative report prior to the decisionmaker making a final determination.

The Museum will take reasonable steps to prevent and address the parties' and their advisors of choice's, if applicable, unauthorized disclosure of information and evidence obtained solely through this policy. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this policy may be subject to other policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-based discrimination are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Museum. The Title IX Coordinator and/or investigator designated by the Museum will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with this policy.

Each party and their advisors of choice, if applicable, will have an equal opportunity to review and access the evidence that is relevant to the allegations of sex-based discrimination and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Museum will provide each party with a reasonable opportunity to respond to the evidence.

The Museum will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to other policies and/or procedures.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Discrimination are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Relevant Evidence

Evidence is relevant when it is related to the allegations of sex-based discrimination under investigation as part of this grievance procedure.

Questions are relevant when they seek evidence that may aid in showing whether the alleged sex-based Discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex-based discrimination occurred.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by the Museum to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are relevant:

- Evidence that is protected under a privilege as recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 Museum obtains that party's or witness's voluntary, written consent for use in the Museum's Grievance Procedures; and

- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based discrimination. 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 discrimination or preclude determination that sex-based discrimination occurred.

Timeframes & Steps of the Grievance Procedures

The Grievance Procedures will be completed within 120 business days. If there are any delays or extensions, the Title IX Coordinator will appropriately notify the parties in writing, as detailed below.

Extensions and Delays

The Museum allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the extension or delay.

G. SINGLE INVESTIGATOR MODEL

The Museum does not provide for a live hearing under this policy. However, Title IX requires that there be live questioning to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based discrimination.

The investigator will question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based discrimination. This will occur during individual meetings with a party or witness.

Each party shall have the opportunity to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the appropriate procedures outlined below regarding the investigator's advance evaluation of all questions. Each party will be provided with an audio or audiovisual recording or transcript of meetings with other participants in an investigation, with enough time for the party to have a reasonable opportunity to propose follow-up questions. The parties will each have five (5) business days after receipt of notice that the recordings are available for review in Human Resources to propose follow-up questions.

The following protocols apply throughout the investigative process:

- **Statements.** All parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false or intentionally misleading statement in connection with the investigation may be subject to separate disciplinary action.
- **Preserving Evidence.** The Investigator will direct the Complainant, Respondent, witnesses, and other pertinent individuals to preserve any relevant evidence. Examples include, but are not limited to, electronic messages (e.g., e-mails, text messages and social media messages), writings, video surveillance, and photographs. The Investigator may review both inculpatory and exculpatory evidence presented by either party.

- **Witnesses.** The Complainant and the Respondent have the right to identify any individuals who may be relevant witnesses to the conduct alleged, including fact and expert witnesses. The parties should be aware that it is possible for both the Respondent and the Complainant to list the same people as witnesses. Any attempt to threaten, intimidate, retaliate against, or otherwise improperly influence the testimony of a witness may result in disciplinary or other action. The Investigator will attempt to contact and interview any relevant witnesses identified by the parties, and any other witness The Investigator deems to have relevant information.
- **Romantic or Sexual History.** Either the Complainant or the Respondent may provide information regarding their shared romantic or sexual history. If either offers such information, the other will be notified and have the right to respond. Generally, The Investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent with other people, except under very limited circumstances such as explaining an injury or responding to another specific and relevant question raised by an allegation. If either party offers any of the aforementioned information, the other will be notified and have the right to respond and request that this information not be considered. The Investigator will determine whether information should be included based on relevance to the investigation, applicable law, and fairness to either or both parties.
- **Mental Health Diagnosis/Treatment.** Each party has the right to request that evidence regarding their mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined. However, if an individual wishes to present evidence of their own mental health diagnosis and treatment, they may do so in limited circumstances. If either party offers this type of information for consideration, the other party will be notified and can request that the information not be considered.
- **Conduct Violations.** In investigating complaints of Title IX sexual harassment, prior reports or determinations of responsibility for such misconduct will not be considered in determinations of responsibility, and therefore will not be addressed in an Investigative Report or at a hearing. However, prior determinations of responsibility for allegations of Title IX sexual harassment may be considered in the sanctioning stage of the process.
- **Credibility Assessment.** The Investigator will use the following factors when assessing the credibility of parties and the witnesses: the consistency or inconsistency of their accounts of events over time; their demeanor during interviews; their possible motivation to lie; any corroborating evidence; and whether their statements included specific details that were or were not reasonable and logical.
- **Burden of Proof.** The Investigator applies “preponderance of the evidence” as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that The Investigator must determine, based on the evidence presented, whether the Respondent was more likely than not to have engaged in the conduct at issue. During the investigation and adjudication process, the Respondent is presumed not responsible. The Complainant and Respondent may each participate at the level to which they are comfortable. The Museum bears the burden of showing evidence to support its recommendation regarding responsibility. The burden is not on the Respondent to prove that the Respondent did not engage in Title IX sexual harassment.
- **Preclusion of privileged communications.** The Investigator cannot require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege.

Investigative Report

Following the completion of the initial investigation, The Investigator will prepare an Investigative Report that fairly summarizes relevant evidence and interview summaries. In line with the Family Educational Rights and Privacy Act (“FERPA”), for matters involving students, The Investigator will redact names and other identifying information of students from the report and related materials, except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Prior to a determination regarding responsibility, The Investigator will provide a redacted and watermarked copy of the Investigative Report (including exhibits) to the Complainant, the Respondent, and their respective advisors for review, if applicable. Media exhibits such as video recordings and photographs of individuals will be available for individual review, at a prearranged time within the Museum or at another location determined by the Human Resources Department. The Investigator will provide the parties evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, as well as evidence upon which the Museum does not intend to rely in reaching a determination regarding responsibility, and inculpatory and exculpatory evidence, whether obtained from a party or other source. The Investigator will complete a findings and analysis section of the Investigative Report, containing The Investigator’s credibility assessments of every individual interviewed and a recommendation of responsibility for each allegation of Title IX sexual harassment. The decision-maker(s) may consider the findings and analysis prior to reaching a determination, but the ultimate decision regarding responsibility is reached by the decision-maker(s), and he/she is free to disagree with the recommended finding.

Each party will have an opportunity to provide corrections to typos in the Investigative Report, including correction of names and/or dates, or other minor factual errors. The parties may also argue that the Investigative Report is inaccurate; identify additional witnesses to be interviewed; and ensure that all relevant information is included. This period is also the final opportunity for the Complainant and Respondent to offer evidence or information to be included as an exhibit in the Investigative Report. The Complainant and Respondent will each have ten (10) business days to review the Investigative Report and submit their requested changes and supplemental information. The Investigator will review all requests, and make the appropriate changes to the Investigative Report before finalization.

H. Determination Regarding Responsibility and Sanctioning

Standard of Proof

The Museum uses the preponderance of the evidence standard of proof to determine whether or not sex-based discrimination occurred. This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

General Considerations for Evaluating Evidence and Testimony

The decisionmaker is required to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex-based discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not find that sex-based discrimination occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a party or witness’s credibility based on the party or witness’s status as a Complainant, Respondent, or witness, nor shall the decisionmaker(s) base their judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting

testimony or evidence. However, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decisionmakers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness's testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Communication of the Determination in Writing

All determinations on whether sex-based discrimination occurred will be communicated to the parties in writing, simultaneously, ten (10) business days after the Investigative Report is finalized.

The written determination will include:

- A description of the alleged sex-based discrimination;
- Information about the policies and procedures that the Museum used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant evidence and determination on whether sex-based discrimination occurred;
- Any disciplinary sanctions the Museum will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the Museum to the Complainant, and, to the extent appropriate, other individuals identified by the Museum to be experiencing the effects of sex-based discrimination, if there is a finding that sex-based discrimination occurred; and
- The Museum's procedures for Complainant and Respondent to appeal.

Determination of Disciplinary Sanctions After a Finding of Responsibility

Per New York state law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.

In addition, the Complainant and Respondent will both have an opportunity to make an impact statement during the point of the proceeding where the decisionmaker is deliberating on appropriate sanctions.

Finality of Determination

The determination regarding responsibility becomes final either on the date that the Museum provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Possible sanctions include but are not limited to one or more of the following:

- Reprimand/warning;
- Required training or recommended counseling;
- Changing the Respondent's work or academic schedule and responsibilities, as applicable;
- Disciplinary probation;
- Revocation of honors or awards;
- Restricting access to Museum facilities, resources or activities (including student activities and campus organizations, if applicable);

- Removal from leadership/supervisory positions within the Museum community;
- Issuing a “no contact” order between the parties or requiring that such an order remain in place;
- Movement of the Respondent’s workplace/station, if applicable
- Demotion, if applicable
- Expulsion, if applicable;
- Revocation of RGGGS degree, if applicable;
- Termination or suspension of program registration, financial support, or academic or professional appointment; and/or
- Termination or suspension from the Museum or RGGGS, as applicable

Disclosures of Outcome by the Parties

The Complainant and Respondent have the right to choose whether to disclose or discuss the outcome of a conduct or judicial process related to sexual assault, dating violence, domestic violence, or stalking.

I. Appeals

Each party may appeal a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the ground(s) for appeal. The non-appealing party will also have five (5) business days to respond to the appeal.

For appeals resulting from dismissal of a complaint, please see the section on *Dismissal of Complaints* above.

Grounds for Appeal

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based discrimination occurred or dismissal was made; or
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Additional Procedures for Appeal Process

The Museum will notify the parties of any appeal, provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive measures remain available while an appeal is being deliberated and before a final decision has been made.

Appeals will be decided by an Appellate Panel who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or decisionmaker in the same matter.

The Appeal Panel will generally render a written decision within fifteen (15) business days of the last written submission by either of the parties, depending on the availability of the Appeal Panel at the time of the appeal. The parties will be notified if there is any delay in providing an appeal decision. The Appeal Panel may affirm the findings and/or sanction, or remand (return) the matter for further consideration by the Title

IX Coordinator or decision-maker(s), as applicable. If the matter is remanded to the Title IX Coordinator or decision-maker(s), the Appeal Panel will provide corrective suggestions with the remand/referral. The Appeal Panel's decision will be in writing and, except in the case of a remand/referral, is final.

In the event of a remand, the Investigator may conduct such further proceedings as they deem appropriate under the circumstances, consistent with this policy, provided that the Complainant and Respondent will each be given an equal chance to present and review new evidence. Appeal of decisions after remand may be requested by either party under the above procedure.

The purpose of an appeal is not to initiate a review of substantive issues of fact, or for a new determination of whether a violation of the policy has occurred. The Appeal Panel is strictly limited to determining if an appeal should be granted based on the above grounds for appeal. In making a determination, the Appeal Panel will have the ability to review all applicable information generated during the Grievance Procedures. The Appeal Panel may also request additional information from the Title IX Coordinator, The Investigator (if different than the Title IX Coordinator), and/or the decision-maker(s) regarding issues of procedural error, new evidence, or conflict of interest/bias, as applicable. Additionally, in the event a party submits an appeal containing inaccurate facts or information outside the scope of the policy, the Appeal Panel will disregard this information.

J. INFORMAL RESOLUTION

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether sex-based discrimination occurred under this policy, including prior to making a complaint, parties may instead seek the Museum's assistance to resolve allegations of sex-based discrimination, and may elect to enter the informal resolution process.

The parties may voluntarily elect to enter the Museum's informal resolution process at any time through informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the parties.

No party may be required to participate in informal resolution, and the Museum will never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a party elects to leave the informal resolution process, the Grievance Procedure that the parties paused will continue. In participating in the informal resolution process, the parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex-based discrimination does not continue or recur within the Museum's educational program or activity.

Notice Prior to Entry Into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;

- 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 Museum’s Grievance Procedures;
- That the parties’ agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the Museum’s Grievance Procedures arising from the same allegations;
- 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
- What information the Museum will maintain and whether and how the Museum could disclose such information for use in its Grievance Procedures if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designated official will approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the nature of the allegations, whether there is an ongoing threat of harm or safety to the Museum, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the parties are participating in good faith. This determination is not subject to appeal.

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, the Museum will provide the outcome in writing simultaneously to the parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the parties in a reasonable timeframe once the facilitator is assigned.

Role of the Facilitator

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the decisionmaker(s) in the Museum’s Grievance Procedures. Any person designated to facilitate informal resolution will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- The Museum’s obligation to address sex discrimination, including Sex-Based Harassment, in its educational program or activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and the Museum’s response to sex discrimination;
- The rules and practices associated with the Museum’s informal resolution process; and

- How to serve impartially, including by avoiding conflicts of interest and bias.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the Museum's educational programs or activities or attendance at specific events, including restrictions the Museum could have imposed as remedies or disciplinary sanctions had the Museum determined at the conclusion of the Grievance Procedures that sex-based Discrimination occurred.

Breach of Informal Resolution Agreements

If a party breaches the resolution or if the Museum has other compelling reasons, such as if it learns of any fraud by a party in entering into the agreement, the Museum may void the agreement and initiate or resume the Grievance Procedures.

Confidentiality

In entering the informal resolution process, the parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the complaint are confidential while the parties participate in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the Grievance Procedures, provided that this information is disclosed and reviewed by the parties under the Museum's Grievance Procedures.

Informal Resolution Options

The Museum offers the following informal resolution procedures for addressing complaints of sex-based Discrimination described under this policy.

Administrative Resolution

Should the parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the complaint at any point during the informal resolution process, the institution may administratively resolve the complaint.

Where the Respondent admits responsibility, the parties will receive simultaneous written notification of the acceptance of responsibility, and the Title IX Coordinator or their designee will convene to determine the Respondent's sanction and other remedies, as appropriate and consistent with institutional policy. The parties will be given an opportunity to be heard prior to any sanction being imposed, including without limitation, the submission of impact statements, and the parties may be accompanied by their advisor, but questioning of parties or witnesses will not be permitted. The parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described above.

Mediation

The purpose of mediation is for the parties who are in conflict to identify the implications of an individual's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution; mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Human Resources Department will also review any request for mediation and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within ten (10) business days after the Museum receives consent to mediate from both parties and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either party, the facilitator, or the Museum. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedures.

During mediation, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the parties. The Title IX Coordinator will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Restorative Justice

A restorative justice ("RJ") Conference is a dialogue, facilitated by an informal resolution facilitator with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individuals affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired. A party may request to engage in RJ at any stage of the disciplinary process, however, restorative justice may not be an appropriate mechanism for all conflicts. To qualify for RJ, the individual accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed party must also be willing to accept an apology offered by the student accused of wrongdoing. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this policy and directives. The Museum will review any request for RJ and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ Conference proceeds only if all parties agree to participate willingly. Upon doing so, the RJ process typically commences within ten (10) business days after the Museum receives written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until the Museum determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution.

The Title IX Coordinator will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

K. TRANSCRIPT NOTATIONS

For crimes of violence, including, without limitation, sexual violence, defined as crimes that meet the reporting requirements pursuant to the Clery Act (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)), the Museum is required to make a notation on the transcript of a student found responsible for suspension or expulsion.

If a student is found responsible through this process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (the “Clery Act”), the Dean of RGGGS or the Senior Vice President overseeing the MAT Program will direct that a notation be placed on the student’s transcript as follows:

- Where the sanction is a suspension, the following notation will be listed: “SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”
- Where the sanction is expulsion, the following notation will be listed: “EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”

If a student Respondent withdraws from RGGGS while such charges are pending for allegations related to sexual violence as defined in the Clery Act, and the student declines to complete the grievance process, the Dean of RGGGS or other appropriate administrator will direct that the following notation be placed on the student’s transcript: “WITHDREW WITH CODE OF CONDUCT CHARGES PENDING.”

- Those students who withdraw from RGGGS and decline to complete the grievance process forfeit any right to resume the proceedings at any point in the future
- Conduct charges are considered “pending” once a student is informed in writing that there are allegations that the student may have violated the policy.

Records Disclosure

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

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel or subsequent investigation into the same conduct or required to be produced through other compulsory legal processes.

Additional information about FERPA can be found in the RGGGS and MAT Handbooks for Students and Faculty on Academic and Conduct Policies and Procedures.

Retaliation

When the Museum has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedure, the Museum is obligated to initiate its Grievance Procedure or, as appropriate, the Museum’s informal resolution process.

Appendix A: Responding to Title IX Sex-Based Discrimination

GENERAL RULE

The Museum requires that any employee who either has authority to institute corrective measures on behalf of the Museum or has responsibility for administrative leadership, teaching, or advising in the Museum's educational programs or activities must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-based discrimination.

A complaint can be an oral or written request to the Museum that objectively can be understood as a request for the Museum to investigate and make a determination about alleged sex-based discrimination at the Museum.

Grounds for Potential Dismissal of Complaint

- The Museum is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the Museum's educational program or activity and is not employed by the Museum;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Museum determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based discrimination under Title IX or this policy, even if proven; or
- The Museum determines that the conduct alleged in the complaint, even if proven, would not constitute sex-based discrimination under Title IX or this policy.

Notice of Allegations

Available Resolution Options

- Alternative resolution options → Administrative resolution; mediation; restorative justice; or
- Formal grievance procedures

Investigation and Grievance Procedures for Complaints

- Equitable treatment of parties
- Supportive measures for all parties
- Objective evaluation of evidence
- No conflict of interest/bias
- Presumption of "not responsible" for respondents
- Standard of evidence ("preponderance of evidence")
- Possible disciplinary sanctions/remedies
- Appeal procedures

Appendix B: New York State Student Bill of Rights

The Museum has adopted the following Student Bill of Rights pursuant to New York Education Law Article 129-B, Section 6443. All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating 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 judicial or conduct process and/or criminal justice process free from pressure by the institution;
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 institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual 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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
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 reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Appendix C: Resources and Contact Information

CONTACT INFORMATION FOR NON-CONFIDENTIAL
RESOURCES

THE MUSEUM'S DEPARTMENT OF HUMAN RESOURCES
AND THE TITLE IX COORDINATOR

Department of Human Resources

Hall of Meteorites -Sec. 6, First Fl.

212-769-5106

TITLE IX COORDINATOR:

Benjamin Marzolf

Title IX Coordinator / Equal

Opportunity Specialist

(212) 769-5316

bmarzolf@amnh.org

OTHER HUMAN RESOURCES CONTACT INFORMATION:

Kala Harinarayanan

SVP of Human Resources and

Chief People Officer

(212)769-5226

kala@amnh.org

Off-campus Resources for Individuals Involved in Title IX sexual harassment**

Unless otherwise noted, all facilities listed below are available 24 hours a day.

◆ indicates facilities that are not available 24 hours a day.

**Fees may apply.

Off-campus Confidential Resources for Advocacy, Counseling, and Health Services

Safe Horizon
212-523-4728

Mt. Sinai St. Luke's Hospital
Crime Victims Treatment Center◆
212-523-4728 by appointment only

New York-Presbyterian/CUIMC
Emergency Room -212-305-6204

NYC Domestic Violence Hotline 800-621-HOPE

Gay and Lesbian Anti-Violence Project
212-714-1141

Neighboring Hospitals with Safe Centers:

Mt. Sinai St. Luke's Hospital
1111 Amsterdam Ave at West 113th St

Roosevelt Hospital
1000 10th Ave at West 58th St

Beth Israel-Petrie Campus
First Ave at E 16th St

Bellevue Hospital
462 First Ave at E 27th St

Harlem Hospital
506 Malcolm X Blvd at W 135th St

Metropolitan Hospital Center
1901 1st Ave at 96th St

Mount Sinai Medical Center (Mount Sinai),
1 Gustave L Levy Pl (Fifth Ave) at E 98th

New York-Presbyterian
Columbia (NYP) 622 W 168th St

New York-Presbyterian The Allen Pavilion (NYP),
5141 Broadway at W 221th St

Off-campus Law Enforcement

New York City Police Department (NYPD)
Emergency 911
20th Precinct 212-580-6411
120 West 82nd Street (between Columbus and Avenues)

Domestic Violence & Child
Abuse Hotline 212-335-4308

Sex Crimes Hotline 212-335-9373

Special Victims Bureau at the Manhattan Family Justice
Center - 212-335-4300

Additional Government Resources

The government resources listed here may provide additional assistance for people wishing to file an external complaint of Title IX sexual harassment or people with inquiries regarding the application of Title IX and its implementing regulations:

NYC Family Justice Center Manhattan◆
<http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>
212-602-2800 | 80 Centre St New York, NY 10013

New York State Office of Victims Services◆
1-800-247-8035 | <https://ovs.ny.gov/>

Together Against Sexual Violence◆
<http://www.notalone.gov>

U.S. Department of Education, Office for Civil Rights◆
<http://www.ed.gov/ocr>
New York – Region II
32 Old Slip, 26th Floor New York, NY 10005 646-428-3800 OCR.NewYork@ed.gov

U.S. Department of Justice,
Office on Violence Against
<http://www.ovv.usdoj.gov>
145 N St, NE, Suite 10W.121 Washington, D.C. 20530
202-307-6026

Appendix D: Title IX Sex-Based Discrimination v. Law Enforcement

	Criminal Justice System	Title IX Sex-Based Discrimination System
Goals.	Public safety, deterrence, and punishment.	Education; safety; safe and supportive campus and work environment.
Governing Law.	New York State Penal Code; New York State Rules of Criminal Procedure (or another state's rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.	Title IX of the Education Amendments of 1972 and accompanying regulations; NYS Education Law sections 129-A and 129-B.
How to report and whether there must be action once a report is made.	Crimes involving sexual violence may be reported to Museum Security, the New York City Police Department, or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury.	Victims may disclose sex-based discrimination to various Museum employees who will try to ensure privacy to the extent possible and consistent with the institution's obligation to provide a safe environment, as well as resources listed in Appendix C. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator ("TIXC") or another Non-Confidential resource, the TIXC will determine whether an investigation is necessary by weighing a request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community.
Who investigates?	Police or other law enforcement officials.	Investigator(s) employed or retained by the Museum; these individuals may work for different departments within the institution, including but not limited to Human Resources.
Procedures	See Governing Law. Procedures established by police departments, prosecutors' offices, etc.	Title IX sex-based discrimination grievance procedures.
Standard of Evidence.	Crimes must be proven "Beyond a Reasonable Doubt"	A violation must be found by a "Preponderance of the Evidence" (more likely than not)
Confidentiality.	Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.	The Museum offers some confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved on a need to know basis.
Privacy.	Criminal trials must be public.	Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the Museum, the parties, and pursuant to this policy and all applicable laws.
Who are the parties?	The prosecution and defendant. The victim/survivor is <u>not</u> a party, but often the critical witness for the prosecution.	The reporting individual/Complainant and the accused/Respondent.

Participation in the process.	In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual’s participation, it is generally more difficult to prove a crime beyond a reasonable doubt.	Individuals are never required to participate in the Title IX sex-based discrimination process. However, the Museum may be limited in its ability to respond if a Complainant or Respondent does not participate.
Who initiates the proceedings?	A prosecutor, acting on behalf of the state (or the United States in federal cases).	The Museum initiates the process (i.e., an investigation and any subsequent disciplinary action). The reporting individual/Complainant can play an active role.
Testimony.	In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.	Individuals who participate in the process will meet with the investigator and may be subject to follow up questions submitted by the Parties.
Role of attorneys.	Both the state and the defendant are represented by counsel; counsel may question witnesses.	The parties may be accompanied to any meeting by an advisor of choice, who can be, but is not required to be, an attorney.
Mental Health and Sexual History.	In New York, a reporting individual’s prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.	Generally not admissible, but subject to limited exceptions. Education Law 129-B permits parties, with limited exceptions, to exclude information about their prior sexual history with persons other than the other party and also to exclude evidence of their own mental health history in the disciplinary process.
Possible Results.	If a prosecution takes place, the defendant may <ul style="list-style-type: none"> • plead guilty or “no contest” • have the case dismissed by the judge (on legal grounds) • be found “guilty” or “not guilty” by a judge or jury 	The Museum permits mediation or other alternative resolution procedures if the parties agree. If there are grievance procedures, the Respondent may be found “responsible” or “not responsible” for violations of the Title IX Sex-based Discrimination Policy. Respondents may also accept responsibility before a finding.
Sanctions.	An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.	An individual found responsible for violating the Title IX Sex-based Discrimination Policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior disciplinary history), ranging from a warning to suspension or expulsion/termination from the institution.