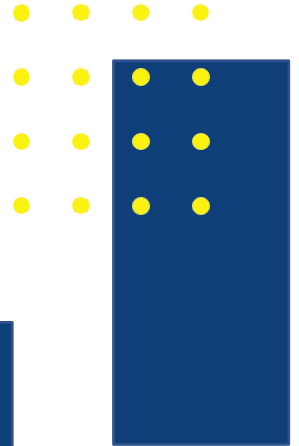




NEW ENGLAND
INSTITUTE OF TECHNOLOGY



Title IX Reporting, Investigation, and Grievance Procedures

August 1, 2024

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NEIT has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or this Title IX regulations.

- I. **Policy Against Title IX Prohibited Conduct:** New England Institute of Technology (“NEIT”) prohibits all forms of discrimination on the basis of sex in the education programs and activities that it operates and is required by Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations not to discriminate in such a manner, to include admission and employment. This prohibition on the basis of sex applies to Title IX sexual discrimination, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking (collectively “Title IX Prohibited Conduct”) as those terms are defined herein.
- II. **Applicability and Scope:** This process is designed to address NEIT’s responsibilities under Title IX of the Education Amendments of 1972 relating to Title IX Prohibited Conduct, including sex discrimination, dating violence, domestic violence, sexual assault, stalking, and sexual harassment. This process applies to all NEIT students and employees, including admission and employment.

The policy and procedures described herein only apply to allegations of sexual discrimination that meet the Title IX regulatory definition of sexual discrimination and that have occurred within NEIT’s education programs or activities in the United States whether on campus, off campus or online. For purposes of this policy, an education program or activity includes locations, events, or circumstances over which NEIT exercised substantial control over both the Respondent and the context in which the Title IX sexual discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by NEIT.

III. Title IX Prohibited Conduct:

- A. **Title IX Sexual Harassment is a form of sexual discrimination and** means conduct *on the basis of sex* that satisfies one or more of the following three categories: (1) Quid Pro Quo Sexual Harassment; (2) Hostile Environment Sexual Harassment; and/or (3) Sex-Based Crimes.
 1. **Quid Pro Quo Sexual Harassment** occurs when an employee, agent or other person authorized by NEIT, explicitly or impliedly conditions the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
 2. **Hostile Environment Sexual Harassment** occurs when 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 recipient’s education program or activity (i.e., creates a hostile environment).
 3. **Sex-Based Crimes** occur when conduct constitutes “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C.

12291(a)(30).

- B. Sex Discrimination** means discriminatory conduct on the basis of sex, sex stereotypes, or sex characteristics; pregnancy or related conditions; sexual orientation; gender identity; or current, potential, or past parental, family, or marital status. That results in an individual being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient that receives federal financial assistance; c) Unless such exclusion, denial, or discrimination is permitted under applicable law.

IV. Definitions:

The Title IX Coordinator monitors the university's compliance with Title IX and NEIT's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX. The Title IX Coordinator shall take steps reasonably calculated to address such barriers. As a neutral resource for complainants and respondents, the Title IX Coordinator is available to answer questions about the Policy, the associated process, and available resources. All references in this Policy to the Title IX Coordinator shall include the Title IX Coordinator's designee insofar as permitted by applicable law.

Title IX Coordinator Contact Information

- Name: Scott Freund
- Role: Title IX Coordinator
- Office Location: Executive Offices, 1 New England Tech Blvd, East Greenwich, RI 02818
- Phone Number: (401) 739-5000
- Email Address: sfreund@neit.edu
- Office Mailing Address:
New England Institute of Technology
1 New England Tech Boulevard
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Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

- **Rape** is the carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **Sodomy** is oral or anal sexual intercourse with another person, without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object** is the use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person,

without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. In Rhode Island the age of consent is 16.

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of the interaction between the persons involved in the relationship.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, **or** by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (1) fear for his or her safety or the safety of others; or
- (2) suffer substantial emotional distress.

Complaint means an oral or written request to NEIT that objectively can be understood as a request for NEIT to investigate and make a determination about alleged sex discrimination under Title IX or its regulations.

Complainant means:

1. A student or employee of NEIT who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

2. A person other than a student or employee of NEIT who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in NEIT's education program or activity at the time of the alleged sex discrimination.

Respondent means a person who is alleged to have violated NEIT's prohibition on sex discrimination.

Advisor is the person chosen by a party, who will attend the hearing with a party and conduct the oral cross-examination of the other party and witnesses. The advisor is permitted to be, but need not be, an attorney. If a party does not have an advisor, an advisor will be appointed by NEIT.

Actual knowledge means notice of Title IX Prohibited Conduct or allegations of Title IX Prohibited Conduct to NEIT's Title IX Coordinator or any official of NEIT who has authority to institute corrective measures on behalf of NEIT. Officials of NEIT with authority to institute corrective measures are the Title IX coordinator.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of NEIT with actual knowledge is the Respondent. The mere ability or obligation to report Title IX Prohibited Conduct or to inform a student about how to report Title IX Prohibited Conduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of NEIT.

Consent is defined as the act of knowingly and affirmatively agreeing to engage in a sexual activity. Consent must be voluntary. An individual cannot consent who is under the age of sixteen (16); or who is incapacitated* or substantially impaired** by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. Consent may be withdrawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

***"Incapacitated"** means a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other drugs, including prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the "who, what, when, where, why or how" of a sexual interaction may be incapacitated. Evidence of incapacitation may include, but is not limited to stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, or unconsciousness (for short or long periods of time).

** "Substantially impaired" means that an individual lacks the ability to make informed, rational judgments and/or to coherently communicate those judgments.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated NEIT's prohibition on sex discrimination.

Pregnancy or related conditions means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person NEIT identifies as having had their equal access to NEIT's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to NEIT's education program or activity after NEIT determines that sex discrimination occurred.

Preponderance of the Evidence is the evidence standard used to determine whether sufficient evidence has been presented to make it "more likely than not" to be true that the Respondent engaged in the alleged Title IX Prohibited Conduct. Complainant means an individual who is alleged to be the victim of conduct that could constitute Title IX Prohibited Conduct.

Title IX Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Title IX regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The following specific circumstances do not constitute retaliation:

- The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints alleging retaliation may be filed according to the policy described herein.

Option of Confidential Reporting: Individuals have the option to speak confidentially to NEIT's Behavioral Health Counselor located in the office of Student Support Services N201.

- V. Confidentiality:** NEIT will keep private the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of Title IX Prohibited Conduct, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, as may be required by the Family Educational Rights and Privacy Act ("FERPA").

In this context, privacy and confidentiality have distinct meanings.

- Privacy means that information related to a complaint will be shared with only a limited number of NEIT employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are responsible for NEIT's response to Title IX Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with FERPA, and the privacy of employee records will be protected in accordance with Rhode Island law and NEIT policy.
- Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. NEIT makes available to students a Behavioral Health Counselor as a Confidential Resource for consultation regarding reports of Title IX Prohibited Conduct or other offenses, and those individuals are not required to report to or share any information with NEIT. Consultation with Confidential Resources does not constitute notice to NEIT.

- VI. When to Report Title IX Prohibited Conduct:** There is no specific time frame for individuals who have experienced Title IX Prohibited Conduct to make an initial report pursuant to this process. Individuals are, however, encouraged to make a report soon after the incident in question in order to maximize NEIT's ability to investigate and reach a finding because NEIT's ability to respond fully may be limited with the passage of time. All university employees are mandated reporters and, when an individual reports a Title IX violation to them, they need to report the incident to the Title IX Coordinator.

If an individual believes that they are the victim of sex-based harassment, particularly cases involving sexual assault, dating violence, domestic violence or stalking, they should take steps to stay safe:

1. Find a safe place and call the police or the Department of Public Safety
2. Seek immediate medical attention. A medical examination is important to preserve evidence and also to treat injuries or sexually transmitted diseases. Getting a medical exam does not require the individual to report the incident to law enforcement, but the exam will

stay as part of the medical record should the individual choose to report in the future.

VII. Reporting Incidents of Title IX Prohibited Conduct: Any person, a victim, a witness or an authorized legal representative with the legal right to act on behalf of a complainant, may report Title IX Prohibited Conduct to the Title IX Coordinator, regardless of whether the person reporting is the person alleged to be a Complainant. Such a report may be made at any time (including during non-business hours) by telephone, electronic mail, or mail, using the contact information listed for the Title IX Coordinator below.

A reporting party may request that NEIT not investigate and/or adjudicate the report under the formal complaint procedures described herein. NEIT will make all reasonable efforts to honor the Complainant's request. However, in certain circumstances, NEIT may have to pursue a formal complaint. These circumstances include, but are not limited to, instances when NEIT has received multiple reports of misconduct by the same individual or when the conduct reported poses a compelling risk to the health and safety of the NEIT community.

Upon receiving a report of sexual harassment, if the Title IX Coordinator is made aware of the identity of a Complainant, the Title IX Coordinator or designee will make all reasonable efforts to promptly contact the Complainant to discuss the availability of supportive measures (see Section "X" below), consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. For purposes of this policy, NEIT will be deemed to have Actual Notice of allegations only when notice of said allegations are made to the Title IX Coordinator or to a NEIT official who has authority to institute corrective measures on behalf of NEIT.

Upon receiving a report of sexual harassment, if the Respondent is unknown or is not a faculty, staff, or student member of NEIT, the Title IX Coordinator will make all reasonable efforts to provide the Complainant with supportive measures, as well as information and options regarding potential criminal processes. The Title IX Coordinator may also take appropriate actions to protect the Complainant, such as providing assistance in obtaining no-trespass and restraining orders. If requested, NEIT will assist in filing/applying for orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Option of Reporting to Law Enforcement: Individuals who have experienced criminal violations are encouraged to report the incident to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a formal complaint under this policy. Individuals are advised that if there is concurrent law enforcement activity, NEIT may temporarily delay its investigative or adjudicative process.

NEIT can provide Complainants with information and support in the process of reporting criminal conduct to law enforcement.

Regarding the involvement of law enforcement, the Complainant has several options, including:

(1) to notify law enforcement authorities; (2) to be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. NEIT will comply with the Complainant's request for assistance in notifying law enforcement to the extent it is consistent with law. The Complainant's choice to report to law enforcement will not impact the provision of supportive measures.

VIII. Interim Measures:

Emergency removal from campus: Nothing in this part precludes NEIT from removing a Respondent from NEIT's education program or activity on an emergency basis, provided that NEIT undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Prohibited Conduct justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Supportive Measures: When a report of Title IX Prohibited Conduct is received, the Title IX Coordinator or designee will offer supportive measures. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to NEIT's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter Title IX Prohibited Conduct.

Supportive measures may include but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

NEIT will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the ability of NEIT to provide the supportive measures.

The Title IX Coordinator or designee is responsible for coordinating the effective implementation of supportive measures.

NEIT's response will treat Complainants and Respondents equitably by offering supportive measures as defined above, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Both the Complainant and Respondent involved in either an informal or a formal resolution process have a right to receive supportive measures from NEIT.

IX. Requirements for Title IX Personnel Training

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s) (For purposes of this policy, the

Appeal Officer is a Decision-Maker), and Facilitator(s) of Informal Resolution Processes receive training on:

- Prohibited behaviors as defined in this policy, including Title IX Sexual Harassment.
- The scope of NEIT's education program or activity as it relates to Title IX complaints.
- How to conduct the informal resolution process and formal complaint grievance processes under this policy, including investigations, , appeals, and informal resolution processes as applicable.
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Decision-Maker(s) will receive additional training on:

- Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

The Investigator(s) will receive additional training on:

- Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train will not rely on sex or other stereotypes and will promote impartial investigations and adjudications of formal complaints.

All Title IX training materials will be posted on NEIT's website as a part of its recordkeeping in accordance with law. (See "Recordkeeping" section below.)

In addition to the afore-mentioned trainings, NEIT also offers primary prevention and awareness programs, as well as educational programs and campaigns for students and employees to promote the awareness of discrimination and harassment, including dating violence, domestic violence, sexual assault, and stalking.

As required by the Clery Act, the Grievance Process will also be implemented by officials who, at a minimum, receive annual training on relevant issues related to sexual assault, dating and domestic violence, and stalking, and on how to conduct the Grievance Process.

Conflicts of Interest, Bias, and Impartiality

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Informal Resolution Processes will make all reasonable efforts to ensure the formal complaint grievance process is facilitated in an impartial manner.

The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of informal resolution processes may not have a conflict of interest for or against Complainants or

Respondents generally or an individual Complainant or Respondent.

The parties are expected to promptly report concern(s) regarding conflict of interest or bias regarding the above listed personnel to the Title IX Coordinator as soon as reasonably possible once they become aware of the conflict of interest or bias. Upon receiving a report of conflict of interest or bias, NEIT will evaluate the report, and if it is determined that a conflict of interest or bias exists, NEIT will appoint another individual to serve in the role.

X. Filing a Formal Complaint

A Complainant may file a formal complaint alleging Title IX Prohibited Conduct against a Respondent and requesting that NEIT investigate the allegation of Title IX Prohibited Conduct. A Complainant also has the option to elect to proceed with an informal resolution process, rather than an NEIT investigation, if both parties have voluntarily agreed to do so and have met the requirements described in the “Informal Resolution Process” section below.

A formal complaint is a document signed by a Complainant, or signed by the Title IX Coordinator, against a Respondent. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party. The formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed above for the Title IX Coordinator. For purposes of this definition, “document signed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

After receiving a written notice of formal complaint, both the Complainant and the Respondent will be asked to identify any academic or other significant conflicts that would affect the timing of the investigation and/or other proceedings

XI. Consolidation of Formal Complaints

NEIT may consolidate formal complaints under this policy when allegations arise out of the same facts or circumstances. In addition, a formal complaint of Title IX retaliation described herein may be consolidated with a formal complaint of Title IX sexual harassment under Title IX. Where the formal grievance process involves more than one Complainant or more than one Respondent, references made to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

XII. Initial Assessment of a Formal Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will evaluate whether the alleged conduct, if proven, would constitute a Title IX violation because it meets or could meet the definition of Title IX sexual harassment and occurred or could have occurred within the jurisdiction and scope required by Title IX as described herein. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would meet the

aforementioned requirements, then the complaint will be investigated and adjudicated in accordance with the procedures outlined in this policy. If the Title IX Coordinator determines that the conduct alleged in the formal complaint, if proven, would not meet the aforementioned requirements, then the complaint will follow the dismissal process described below and NEIT may, if appropriate, refer the matter to another NEIT office.

XIII. Dismissal of a Formal Complaint

NEIT reserves the right to dismiss a formal complaint or any allegations therein, if the conduct alleged in the formal complaint: A) would not constitute Title IX Prohibited Conduct as defined in this policy, even if proved; B) did not occur in NEIT's education program or activity; or C) did not occur against a person in the United States. If any of those circumstances exist, NEIT shall dismiss the formal complaint with regard to that conduct for purposes of Title IX Prohibited Conduct under this policy. Such a dismissal shall not preclude action under other provisions of NEIT's code of conduct.

In addition to the reasons for dismissal described in the paragraph above, NEIT may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: A) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; B) the Respondent is no longer enrolled or employed by NEIT; or C) specific circumstances prevent NEIT from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Both parties will be given the opportunity to appeal the dismissal (see Appeals section below).

XIV. Informal Resolution

Once a formal complaint has been filed, at any time prior to NEIT reaching a determination regarding responsibility (See Section "XVIII"), the parties may request that NEIT facilitate an informal resolution process. Informal resolution does not involve a full investigation and adjudication like the formal grievance process. Rather, the informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties will arrive at a mutually agreed-upon outcome. The informal resolution process cannot be used for cases involving allegations that an employee sexually harassed a student.

In order to engage in an informal resolution process, the Complainant must first file a formal complaint with the Title IX Coordinator, the process must be deemed appropriate for informal resolution by the Title IX Coordinator, and the Complainant and Respondent must voluntarily consent in writing to participate in the process.

To complete the informal resolution process, both parties must voluntarily agree to the outcome with the understanding that the outcome is final and will not be subject to further procedures under this policy, unless there is material evidence to show that a party engaged in misrepresentation or fraudulent conduct which impacted the resolution.

Both parties reserve the right to terminate the informal resolution process and may move forward with the formal grievance process any time prior to resolution. Such termination must be provided to the Title IX Coordinator in writing.

If the parties choose informal resolution, NEIT shall provide the parties a written notice, prior to initiating an informal resolution process that includes:

- 1) The allegations alleged by the Complainant;
- 2) The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- 3) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

If the parties elect to engage in an informal resolution, the time frames set forth herein will be suspended during the pendency of that process.

XV. Formal Complaint Grievance Process Overview:

Once a formal complaint (as explained above) is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the formal grievance process will commence (unless the parties have voluntarily chosen to and have met the requirements to proceed with an informal resolution process as described herein). The grievance process will include written notice of allegations, investigation with interviews of all parties and relevant witnesses, and relevant witnesses led by a Decision-Maker(s), a written determination of responsibility, and the option for appeal.

NEIT will make all reasonable efforts to provide a prompt, equitable, fair and impartial resolution of student and employee complaints (as defined under Title IX and in the Clery Act), including providing a grievance process that treats Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following its grievance process before imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies will be designed to restore or preserve equal access to NEIT's education program or activity. Such remedies may include the same individualized services offered as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

- **Written Notice of Allegations:** Upon receiving a formal complaint and completing the initial assessment, the Title IX Coordinator will provide written notice to all

known parties within five (5) calendar days that includes:

- a. NEIT's grievance process, including any informal resolution process.
- b. The allegations alleged by the Complainant including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved, if known; the conduct allegedly constituting the sexual harassment, if known; and the date and location of the alleged incident(s), if known.
- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. Information regarding the parties' right to have an advisor of their choice, who may be, but is not required to be, an attorney.
- e. A statement that the parties may inspect, and review evidence as described in the "Investigation" section of this policy; and
- f. A statement that NEIT prohibits knowingly making false statements or knowingly submitting false information in bad faith at any point in the grievance process. Individuals who engage in this misconduct may be subject to disciplinary actions (see Appendix A below). Disciplinary action pursued against a party for knowingly making false statements or submitting false information in bad faith does not constitute retaliation prohibited under this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or provided materially false information in bad faith.

If in the course of an investigation, NEIT decides to investigate allegations about the Complainant or Respondent that are not included in the written notice of allegations described above, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

XVI. Investigation of Formal Complaints of Title IX Prohibited Conduct

- **Overview of the Investigative Process:** Once a formal complaint is filed, and the Title IX Coordinator has conducted the initial assessment and determined that the alleged conduct may proceed under this Title IX policy, the Title IX Coordinator will appoint an Investigator to conduct a formal investigation into the allegations.

The Investigator will contact the parties whose participation is invited or expected for an investigative interview and will provide written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.

Once Title IX proceedings are prompted, all notices regarding the investigation will be sent to the student(s) or employee(s) NEIT email address; the university may also copy any advisor (if any). It is a party's responsibility to check their email reasonably frequently and be familiar with all emails related to Title IX proceedings sent thereto.

All NEIT students and employees have a duty to cooperate in Title IX proceedings. That includes, but is not limited to, complying with this Policy and identifying relevant witnesses and evidence.

All participants, including parties, advisors (if any), and witnesses, must behave in an appropriate, civil, and courteous manner throughout all proceedings, including any hearing, and must abide by the rules established by the university and its agents and employees. Inappropriate, uncivil, or discourteous behavior or a failure to abide by the rules may result in disciplinary action and, for advisors, could lead to preclusion of participation by advisors in the proceeding at issue (in which case the offending advisor would have to be replaced) or future proceedings.

The Investigator will make all reasonable efforts to complete the investigative report within sixty (60) business days of the date the written notice of formal complaint is sent to the parties. This time frame may vary depending on the size of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors. If the investigative report is going to take longer than the time frame designated herein to complete, the parties and their advisors will be given notice.

The parties and their advisors are not authorized to disseminate any portion of the investigative report sent to them through electronic or hardcopy means.

Unauthorized video or audio recordings of investigative interviews are not permitted by the parties or their advisors.

- **Equal Opportunity Given to the Parties:** All parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Both the Complainant and Respondent have the right to meet separately with the Investigator.

Both the Complainant and Respondent are permitted to provide names of potential witnesses to the Investigator. The Investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct; and the Investigator may request statements, either orally or in writing.

Both the Complainant and the Respondent are permitted to provide other relevant evidence to the Investigator. For instance, evidence may include any facts or information presented in support of or opposition to an allegation, including text messages, email exchanges, timelines, receipts, photographs, etc. The Investigator may also consider additional documents, items, or other relevant information.

All parties will be given an equal opportunity to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the formal complaint. This includes evidence that NEIT does not intend to rely on in reaching a determination regarding responsibility; and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

- **Review of Evidence:** All parties must submit to the Investigator any evidence that they would like the Investigator to consider prior to the completion of the investigative report.

Prior to the completion of the investigative report, NEIT will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic or hardcopy format. (Note: All evidence that was subject to the parties' inspection and review will be made available to give each party equal opportunity to refer to such evidence during the proceedings.

Each party will be given ten (10) calendar days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

- **Completion of the Investigative Report:** Either after the Investigator receives the parties' written responses or after time limit has expired, the Investigator will create an investigative report that fairly summarizes the relevant evidence.

At least ten (10) calendar days prior to the responsibility decision, the Investigator will send a copy of the investigative report in an electronic or hardcopy format to each party; their advisors, if applicable; and the Title IX Coordinator. The parties will be given the opportunity to review the investigative report and provide a written response.

- **Privileged Information:** NEIT will not require, allow, rely upon, or otherwise permit questions or use of evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege. Notwithstanding the foregoing, if a person holding such a privilege has waived the privilege, then the information may be used during an investigation.

In gathering evidence, NEIT will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless NEIT obtains that party's voluntary, written consent to do so.

- **Evidence Pertaining to Sexual History:** Questions about or evidence of a Complainant's sexual predisposition is never considered relevant for the purposes of an investigative report or questioning.

Questions about or evidence of a Complainant's sexual history are only considered relevant for the purposes of an investigative report or questioning if:

- Such questions and evidence about the Complainant's prior sexual history are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant; or
- Such questions and evidence concern specific incidents of the Complainant's prior sexual history with respect to the Respondent and are offered to prove consent.

Questions or evidence about a Complainant's sexual history that do not meet the two exceptions described above are excluded from investigative reports and are to be deemed irrelevant.

- **Request for Additional Materials or Sanction Statements:** At the conclusion of the Hearing, the Decision-Maker(s) may ask the Parties to submit additional materials or Sanctions statements.

XVII. Written Determination Regarding Responsibility

Within ten (10) calendar days of either the conclusion of the proceedings or, if requested, receipt of additional materials or sanction statements, the Decision-Maker(s) will issue a written determination regarding responsibility. Before doing so, the Decision-Maker(s) will undertake an objective evaluation of all relevant evidence (including both inculpatory and exculpatory evidence). In addition, the Decision-Maker(s) will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness. Upon a determination of responsibility using the preponderance of the evidence standard described herein, the Decision-Maker(s) will make their best effort to simultaneously issue a written determination regarding responsibility to both parties.

Preponderance of the Evidence is the evidence standard used to determine whether sufficient evidence has been presented to make it "more likely than not" to be true that the Respondent engaged in the alleged Title IX Prohibited Conduct. Complainant means an individual who is alleged to be the victim of conduct that could constitute Title IX Prohibited Conduct.

The written determination shall include:

- 1) Identification of the allegations potentially constituting Title IX Prohibited Conduct.
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- 3) Findings of fact supporting the determination.

- 4) Conclusions regarding the application of the relevant policies to the facts.
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and whether remedies designed to restore or preserve equal access to NEIT's education program or activity will be provided by NEIT to the Complainant; and
- 6) NEIT's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that NEIT provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XVIII. Remedies and Disciplinary Sanctions

If the Decision-Maker(s) makes a determination that the Respondent is responsible for Title IX Prohibited Conduct, the Decision-Maker(s), in consultation with such other members of the administrative staff as deemed necessary, shall determine appropriate disciplinary action or sanctions to be taken against the Respondent. Disciplinary action or sanctions may include, but are not limited to, training, sanctions listed under NEIT's Student Conduct Policy, warning, reprimand, withholding of a promotion or pay increase, reassignment, suspension from school or from employment without pay, dismissal from NEIT, or termination of employment, as NEIT believes appropriate under the circumstances as further delineated in Appendix A.

Remedies will be designed to restore or preserve the Complainant's equal access to NEIT's education program or activity. The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

XIX. Parties' Right to Appeal

Within ten (10) calendar days from the date that NEIT provided the parties with the written determination, either or both parties may file a written appeal from a determination regarding responsibility, and from NEIT's dismissal of a formal complaint or any allegations therein, on the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c) The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

In all appeals, NEIT shall:

- a) Ensure that the Appeal Officer for the appeal is not the same person as the Decision-Makers(s) who reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
- b) Ensure that the Appeal Officer complies with the standards set forth in this policy;

Promptly after receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described above. If it does, NEIT will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not, the appealing party will be notified in writing.

The other party will be given ten (10) calendar days from the date of notification of the appeal to submit a written response to the appeal to the Appeal Officer.

Either after receiving the other party's written response to the appeal, or after the time for the other party to submit a written response has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within ten (10) calendar days.

The Appeal Officer's decision shall be final.

Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.

XX. Potential Delays in the Informal Resolution Process or Formal Grievance Process

NEIT will make all reasonable efforts to abide by the timelines described throughout this policy. If the timeline for any stage of the informal resolution process or the formal complaint grievance process must be changed, the Complainant and Respondent will receive written notice of the temporary delay or limited extension of time frames and the reasons for the change. Possible reasons for temporary delays or extensions of time frames include, but are not limited to, the absence of a party or a party's advisor, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, etc.

XXI. Request for Extensions of Timelines from the Parties

If a party has good cause and needs an extension during the formal complaint grievance process, they can contact the Title IX Coordinator to request such extension. It is within the Title IX Coordinator's discretion to grant such a request. In the case that an extension is granted, the same extension will be given to the other party, if requested.

XXII. Pregnancy

Students

1. **Responsibility to provide Title IX Coordinator contact and other information.** When a student, or a person who has a legal right to act on behalf of the student, informs any NEIT employee of the student's pregnancy or related conditions, the employee shall promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the recipient's education program or activity.
2. **Specific actions to prevent discrimination and ensure equal access.** The Title IX Coordinator shall take steps to promptly and effectively prevent sex discrimination and ensure equal access to NEIT's education program or activity once a student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions.
3. **Responsibility to provide information about NEIT's obligations.** The Title IX Coordinator shall inform a student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and who has a legal right to act on behalf of the student, of NEIT's obligations under paragraphs 34 C.F.R. §§ 106.40(b)(1) through (5) and § 106.44(j) and provide the recipient's notice of nondiscrimination under § 106.8(c)(1).

Reasonable modifications.

1. NEIT shall make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to NEIT's education program or activity. Each reasonable modification shall be based on the student's individualized needs. In determining what modifications are required hereunder, NEIT shall consult with the student. A modification that would fundamentally alter the nature of NEIT's education program or activity is not a reasonable modification.
2. The student has discretion to accept or decline each reasonable modification offered by NEIT. If a student accepts NEIT's offered reasonable modification, NEIT shall implement it.
3. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example,

access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures. **Note that certain of these modifications may not be reasonably possible in every situation.**

4. **Voluntary access to separate and comparable portions of a program or activity.** NEIT shall allow the student who has informed NEIT of such student's pregnancy or related condition to voluntarily access any separate and comparable portion of the recipient's education program or activity as required by law.
5. **Voluntary leave of absence.** NEIT will allow the student who has informed NEIT of such student's pregnancy or related condition to voluntarily take a leave of absence from NEIT's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by NEIT that allows a greater period of time than the medically necessary period, now or in the future, NEIT shall permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to NEIT's education program or activity, the student shall be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.
6. *Lactation space.* On request by a student to the Title IX Coordinator, NEIT shall ensure that the student who has informed NEIT of such student's pregnancy or related condition can access a lactation space, which shall be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.
7. *Limitation on supporting documentation.* NEIT shall not require supporting documentation regarding a student's pregnancy or related condition unless the documentation is necessary and reasonable for NEIT to determine the reasonable modifications to make or whether to take additional specific actions required by law.
8. *Comparable treatment to other temporary medical conditions.* To the extent consistent with paragraph 34 C.F.R. § 106.40(b)(3), NEIT shall treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy NEIT administers, operates, offers, or participates in with respect to students admitted to NEIT's education program or activity.
9. *Certification to participate.* NEIT shall not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in NEIT's class, program, or extracurricular activity unless permitted by law.
10. *Concerns.* Students who have any concerns about these matters should contact the Title IX Coordinator.

Employees

- a. *Pregnancy or related conditions.* NEIT shall not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.
- b. *Comparable treatment to other temporary medical conditions.* NEIT shall treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes.
- c. *Voluntary leaves of absence.* In the case of an employee with insufficient leave or accrued employment time to qualify for leave, NEIT shall treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Lactation time and space.

1. NEIT shall provide reasonable break time for employees to express breast milk or breastfeed as needed.
2. NEIT shall provide employees access to a lactation space, which shall be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used employees for expressing breast milk or breastfeeding as needed.

XXIII. Recordkeeping

NEIT shall maintain for a period of seven years records of:

- a) Each Title IX Prohibited Conduct investigation, including any determination regarding responsibility and any audio or audiovisual recording, or transcript; any disciplinary sanctions imposed on the Respondent; and any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's education program or activity;
- b) Any appeal and the result therefrom;
- c) Any informal resolution and the result therefrom; and
- d) All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. NEIT shall make these training materials publicly available on its website.

For each response, NEIT shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of

Title IX Prohibited Conduct. In each instance, NEIT shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to NEIT's education program or activity. If NEIT does not provide a Complainant with supportive measures, then NEIT shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit NEIT in the future from providing additional explanations or detailing additional measures taken.

Rv August 2024

Appendix A

Remedies and Sanctioning Guidelines

A. Remedies

Following a determination of responsibility under the formal Title IX Grievance procedure that the Respondent engaged in Title IX Prohibited Conduct directed at the Complainant, remedies are provided to a Complainant. Remedies must be designed to restore or preserve access to NEIT's educational program or activity. Remedies may include disciplinary sanctions or other actions against a Respondent. They may include the same individualized services as those offered as supportive measures; however, remedies need not be non-disciplinary or nonpunitive and need not avoid burdening the Respondent.

The Decision-Maker(s) will decide on the remedies as the Decision-Maker(s) deems appropriate for the particular case and may consult with the Title IX Coordinator or other appropriate NEIT office in crafting remedies.

The Decision-Maker(s) should provide remedies that will remediate a hostile environment for the Complainant and/or provide safety protections for the Complainant or for NEIT community members.

1. Remedies Relating to the Respondent

Remedies relating to all Respondents could include the following restrictions:

- a. Directive not to contact (directly or indirectly) the Complainant
- b. Limiting or denying access to all or parts of campus
- c. Limiting or denying participation in campus programs or activities
- d. Limiting or denying the opportunity to hold leadership positions

Additionally, for student Respondents, remedies could include the following restrictions:

- e. Limiting or denying housing on campus or part of campus (e.g., not permitting Respondent to live near the Complainant)
- f. Requiring that the Respondent not enroll in a course that the Complainant is enrolled in or teaching
- g. Limiting or prohibiting attendance at campus parties or social events.

Additionally, for faculty or teaching Respondents, remedies could include the following restrictions:

- h. Limiting or denying certain advising activities
- i. Limiting or denying certain teaching activities
- j. Limiting access to students in private spaces

Remedies for all Respondents could include the affirmative requirement for personalized education or coaching.

2. Additional Remedies for the Complainant

Additional remedies for the Complainant will be directed by the Decision-Maker(s) and/or Title IX Coordinator, and could include:

- a. Academic or workplace accommodations
- b. Safety accommodations
- c. Other reasonable and appropriate accommodations

3. Timeframe for Remedies

The Decision-Maker(s) should indicate a time frame for the remedies (noting that it might be appropriate for some remedies to have different time frames; e.g., no leadership position for two years and no housing for three years.) Restrictions should be put in place for a certain amount of time to achieve the appropriate remedy.

4. Implementation

The Title IX Coordinator or designee is responsible for effective implementation of any remedies under this Title IX grievance procedure. Remedies may be modified by the Title IX Coordinator as circumstances change over the course of a Complainant's or Respondent's student or work career at NEIT. The request for reconsideration may be submitted to the Title IX Coordinator, and the basis for such reconsideration will be limited to whether, given the changed circumstances, the remedies are ones that could have been issued by reasonable persons. Upon request by a party to reconsider a remedy, which if granted would impact the other party, the Title IX Coordinator will provide notice and an opportunity to respond to the other party. The Title IX Coordinator's decision on reconsideration will be provided in writing and maintains jurisdiction over the remedies as the parties move through NEIT.

B. Sanctions

Every finding of Title IX Prohibited Conduct is a serious matter and requires an appropriate sanction issued after individualized review. A finding of Title IX Prohibited Conduct could lead to termination/separation from NEIT for faculty, staff, and postdoctoral fellows, as well as expulsion for students. The Decision-Maker(s) must impose sanctions that reflect the seriousness of the incident and the harm caused to the Complainant and, as relevant, the NEIT community.

NEIT offers the following guidance for disciplinary sanctions for all findings of Title IX Prohibited Conduct. The Decision-Maker(s) may consult with the Title IX Coordinator or other appropriate NEIT office in crafting sanctions.

The Decision-Maker(s) will decide on the sanctions as the Decision-Maker(s) deems appropriate for the particular case.

1. Most Serious Offenses, Termination/Expulsion

While any incident of Title IX Prohibited Conduct is cause for concern and may lead to

separation/termination or expulsion depending on the individual circumstances of the case, NEIT considers the following offenses to be particularly egregious and likely warrant separation/termination or expulsion unless there are significant mitigating circumstances that overcome the presumption:

- a. Rape, sodomy, sexual assault with an object including an aggravating factor
- b. Domestic or dating violence with a serious injury
- c. Any violation including two or more aggravating factors (Section 2 below)

2. Aggravating Factors

While any incident of Title IX Prohibited Conduct is cause for concern, NEIT considers the following factors to be aggravating factors that warrant increased sanctions:

- a. The act is accomplished by force, violence, duress, or menace
- b. Inducing incapacitation through involuntary ingestion or knowingly taking advantage of an incapacitated person
- c. Past violations of NEIT policy by the Respondent, especially relating to Title IX Prohibited Conduct (or prior policies)
- d. More than one perpetrator
- e. Acts committed in the context of an initiation into membership and/or hazing
- f. Knowingly using the Respondent's power/authority within NEIT to obtain submission or to accomplish the violation

Decision-Makers may consider past disciplinary outcomes for similar matters but are not required to give any weight to past outcomes.

3. Mitigating Factors

- a. The Respondent did not have an intent to violate NEIT policy
- b. The Respondent has taken responsibility for their actions
- c. Other considerations that a reasonable Decision-Maker(s) would rely on

4. Other Sanctions

Following a determination that termination/expulsion is not appropriate, a Decision-Maker(s) may consider other sanctions. The offenses listed above in Section B.1. are extremely serious and (in instances in which termination/expulsion is not warranted), for student and faculty Respondents, separation from NEIT for some period of time is expected.

A Decision-Maker(s) should consider the aggravating factors listed above in Section B.2. when imposing sanctions. When one or more aggravating factors are present, the Decision-Maker(s) should impose a sanction that includes a reflection of the seriousness of the aggravating factor(s).

a. For Students

Aside from expulsion, other sanctions could include the following:

- i. Suspension from NEIT for a period of between one and twelve (12) terms (that is, up to three academic years)
- ii. Delay in the conferral of degree for a period of between one and twelve (12) terms (that is, up to three academic years) – this sanction is only available for students in their final term at NEIT.
- iii. Probation with a suspension period of one or two terms – time away from NEIT is not immediately imposed but should the Respondent face any other disciplinary matter at NEIT, that decision-making body would be informed in the sanction phase that the student was on probation, would consider the probation as an aggravating factor in setting discipline, and would minimally impose the suspension period as an actual suspension.
- iv. Probation – Should the Respondent face any other disciplinary matter at NEIT, that decision-making body would be informed in the sanction phase that the student was on probation and would consider the probation as an aggravating factor in imposing discipline.
- v. Required personalized education or coaching
- vi. Community service hours

b. For Faculty

Beyond termination, other sanctions include the following:

- i. Suspension for a period of time
- ii. Denying a pay raise for a period of time
- iii. Denying the opportunity for promotion
- iv. (Written warning?) Letter in personnel file
- v. Public or private censure
- vi. Required personalized education or coaching

c. For Staff

Beyond termination, other sanctions include the following:

- i. Suspension for a period of time
- ii. Denying a pay raise for a period of time
- iii. Denying the opportunity for promotion
- iv. Written warning in personnel file
- v. Required personalized education or coaching