

# **YESHIVA OF FAR ROCKAWAY DERECH AYSON RABBINICAL SEMINARY**

## **Title IX Policies and Procedures**

Title IX of the of the Education Amendments of 1972 is a civil rights law that bans sex discrimination against students, employees, and others at institutions of higher education and other institutions that receive federal funding. The latest regulatory update was published as a Final Rule in the Federal Register on April 19, 2024, and went into effect on August 1, 2024.

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S. Code § 1681*

### **Non-Discrimination Policy**

Yeshiva of Far Rockaway does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.

### **Title IX Coordinator**

The Title IX Coordinator is responsible for coordinating the institution's compliance with Title IX. This role includes, but is not limited to, monitoring of the overall implementation of Title IX, receiving notices of sex discrimination and sex-based harassment complaints, and overseeing the grievance procedures.

### **Yeshiva of Far Rockaway's Title IX Coordinator**

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### **Grievance Procedures for Complaints of Sex Discrimination**

Yeshiva of Far Rockaway 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 the Title IX regulations.

#### **Complaints:**

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Yeshiva of Far Rockaway investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
  - a student or employee of Yeshiva of Far Rockaway who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of Yeshiva of Far Rockaway who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Yeshiva of Far Rockaway's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Yeshiva of Far Rockaway's Title IX Coordinator

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Yeshiva of Far Rockaway; or

- Any person other than a student or employee who was participating or attempting to participate in Yeshiva of Far Rockaway's education program or activity at the time of the alleged sex discrimination.

Yeshiva of Far Rockaway may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

### **Basic Requirements of Title IX Grievance Procedures:**

Yeshiva of Far Rockaway will treat complainants and respondents equitably.

Yeshiva of Far Rockaway requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Yeshiva of Far Rockaway presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Yeshiva of Far Rockaway has established the following timeframes for the major stages of the grievance procedures.

- Evaluation (decision whether to dismiss or investigate a complaint): 14 days
- Investigation: 6-8 weeks
- Determination: 14 days

Yeshiva of Far Rockaway has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

To apply for an extension, the party seeking an extension should submit a written request to the Title IX Coordinator. This request must include the reason for the delay and the amount of additional time requested. The Title IX Coordinator will review the request, taking into consideration the reason for the delay and the potential impact on the other party and the overall process. The Title IX Coordinator will then make a decision based on the review, and notifies both parties in writing of the decision.

If the extension is granted, the notification will include the length of the extension and the reason for the delay. The Title IX process will then be updated to reflect the new timeline.

Yeshiva of Far Rockaway will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Yeshiva of Far Rockaway will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Yeshiva of Far Rockaway to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 Yeshiva of Far Rockaway obtains that party's or witness's voluntary, written consent for use in its 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 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 discrimination or preclude determination that sex discrimination.

**Notice of Allegations:**

Upon initiation of Yeshiva of Far Rockaway's grievance procedures, Yeshiva of Far Rockaway will notify the parties of the following:

- Yeshiva of Far Rockaway's Title IX grievance procedures and any informal resolution process;

- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, Yeshiva of Far Rockaway decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, Yeshiva of Far Rockaway will notify the parties of the additional allegations.

### **Dismissal of a Complaint:**

Yeshiva of Far Rockaway may dismiss a complaint if:

- Yeshiva of Far Rockaway is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Yeshiva of Far Rockaway's education program or activity and is not employed by Yeshiva of Far Rockaway;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Yeshiva of Far Rockaway determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Yeshiva of Far Rockaway determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint,

Yeshiva of Far Rockaway will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Yeshiva of Far Rockaway will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Yeshiva of Far Rockaway will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- 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.

If the dismissal is appealed, Yeshiva of Far Rockaway will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;

- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Yeshiva of Far Rockaway will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Yeshiva of Far Rockaway education program or activity

**Investigation:**

Yeshiva of Far Rockaway will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Yeshiva of Far Rockaway—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Yeshiva of Far Rockaway will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.



Yeshiva of Far Rockaway will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance

Yeshiva of Far Rockaway will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Yeshiva of Far Rockaway will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence.
- Yeshiva of Far Rockaway will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Yeshiva of Far Rockaway will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

**Questioning the Parties and Witnesses:**

Yeshiva of Far Rockaway will provide a process that enables the decisionmaker to 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 discrimination.

If a party's or witness's credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination, the decisionmaker will be permitted to ask questions during

individual meetings with a witness or party, including any follow-up questions. The decision-maker will then make a final assessment of credibility.

**Determination Whether Sex Discrimination Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Yeshiva of Far Rockaway will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker 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 discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people Yeshiva of Far Rockaway identifies as having had equal access to Yeshiva of Far Rockaway's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Yeshiva of Far Rockaway's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

**Informal Resolution:**

At any time prior to determining whether sex discrimination occurred, Yeshiva of Far Rockaway may offer to a complainant and respondent an informal resolution process. To the extent necessary, Yeshiva of Far Rockaway will also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity.

Yeshiva of Far Rockaway will determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made. Circumstances when Yeshiva of Far Rockaway may decline to allow informal resolution include but are not limited to when the institution determines that the alleged conduct would present a future risk of harm to others.

Yeshiva of Far Rockaway will not require or pressure the parties to participate in an informal resolution process. The institution will obtain the parties' voluntary consent to the informal resolution process and will not require waiver of the right to an investigation and determination

of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Before initiation of an informal resolution process, Yeshiva of Far Rockaway will provide to the parties 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 institution'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 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 Yeshiva of Far Rockaway will maintain and whether and how the institution could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in Yeshiva of Far Rockaway's grievance procedures. Any person designated by the institution to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will receive the required training.

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

- Restrictions on contact; and
- Restrictions on the respondent's participation in one or more of the institution's programs or activities or attendance at specific events, including restrictions the institution could have imposed as remedies or disciplinary sanctions had the institution determined at the conclusion of the institution's grievance procedures that sex discrimination occurred.

### **Supportive Measures:**

Yeshiva of Far Rockaway will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to Yeshiva of Far Rockaway's education program or activity or provide support during Yeshiva of Far Rockaway's Title IX grievance procedures or during the informal resolution process. For complaints of sex-discrimination, these supportive measures may include, but are not limited to, counseling, deadline extensions, other course-related adjustments, campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; leaves of absence, training and education, and voluntary or involuntary changes in class, work, housing, and extracurricular or other activities.

### **Disciplinary Sanctions and Remedies:**

Following a determination that sex-discrimination occurred, Yeshiva of Far Rockaway may impose disciplinary sanctions, which may include but are not limited to, required training or counseling, a warning, probation, suspension, or expulsion. Yeshiva of Far Rockaway may also provide remedies, which may include but are not limited to, education and training, counseling services, policy changes, academic support, or housing changes.

## **Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions**

Yeshiva of Far Rockaway has adopted Title IX 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. These grievance procedures address complaints of sex-based harassment that involve a student party.

### **Complaints:**

The following people have a right to make a complaint of sex-based harassment, requesting that Yeshiva of Far Rockaway investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
  - a student or employee of Yeshiva of Far Rockaway who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX; or
  - a person other than a student or employee of Yeshiva of Far Rockaway who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in Yeshiva of Far Rockaway education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Yeshiva of Far Rockaway Title IX Coordinator.

Yeshiva of Far Rockaway may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts

or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

**Basic Requirements of Title IX Grievance Procedures:**

Yeshiva of Far Rockaway will treat complainants and respondents equitably.

Yeshiva of Far Rockaway requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

Yeshiva of Far Rockaway presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Yeshiva of Far Rockaway has established the following timeframes for the major stages of the grievance procedures.

- Evaluation (decision whether to dismiss or investigate a complaint): 14 days
- Investigation: 6-8 weeks
- Determination: 14 days
- Appeal: 14 days

Yeshiva of Far Rockaway has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

To apply for an extension, the party seeking an extension should submit a written request to the Title IX Coordinator. This request must include the reason for the delay and the amount of additional time requested. The Title IX Coordinator will review the request, taking into consideration the reason for the delay and the potential impact on the other party and the overall process. The Title IX Coordinator will then make a decision based on the review, and notifies both parties in writing of the decision.

If the extension is granted, the notification will include the length of the extension and the reason for the delay. The Title IX process is then updated to reflect the new timeline.

Yeshiva of Far Rockaway will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Yeshiva of Far Rockaway will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Yeshiva of Far Rockaway to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:



- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 Yeshiva of Far Rockaway obtains that party's or witness's voluntary, written consent for use in its 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 harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

**Written Notice of Allegations:**

Upon initiation of these Title IX grievance procedures, Yeshiva of Far Rockaway will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Yeshiva of Far Rockaway Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);

- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, Yeshiva of Far Rockaway decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **Dismissal of a Complaint:**

Yeshiva of Far Rockaway may dismiss a complaint if:

- Yeshiva of Far Rockaway is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Yeshiva of Far Rockaway's education program or activity and is not employed by Yeshiva of Far Rockaway;
- Yeshiva of Far Rockaway obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Yeshiva of Far Rockaway determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- Yeshiva of Far Rockaway determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Yeshiva of Far Rockaway will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Yeshiva of Far Rockaway will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will notify the parties simultaneously in writing. Yeshiva of Far Rockaway will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Yeshiva of Far Rockaway will follow the procedures outlined in the *Appeals* section.

Upon dismissal, Yeshiva of Far Rockaway will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will notify the parties simultaneously in writing.

Yeshiva of Far Rockaway will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Yeshiva of Far Rockaway will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Yeshiva of Far Rockaway will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, Yeshiva of Far Rockaway will, at a minimum:

- Offer supportive measures to the complainant as appropriate;

- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Yeshiva of Far Rockaway's education program or activity.

**Investigation:**

Yeshiva of Far Rockaway will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Yeshiva of Far Rockaway—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Yeshiva of Far Rockaway will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Yeshiva of Far Rockaway will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Yeshiva of Far Rockaway will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Yeshiva of Far Rockaway may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Yeshiva of Far Rockaway will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Yeshiva of Far Rockaway will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Yeshiva of Far Rockaway will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Yeshiva of Far Rockaway will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Yeshiva of Far Rockaway will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence;
- Yeshiva of Far Rockaway will provide a reasonable opportunity to review and respond to the evidence or the investigative report; and
- Yeshiva of Far Rockaway will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

**Questioning the Parties and Witnesses:**

Yeshiva of Far Rockaway will provide a process that enables the decisionmaker to 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 harassment.

Yeshiva of Far Rockaway's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

*Procedures for the decisionmaker to evaluate the questions and limitations on questions:*

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

*Refusal to respond to questions and inferences based on refusal to respond to questions:*

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker

will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

**Determination Whether Sex-Based Harassment Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Yeshiva of Far Rockaway will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the decisionmaker 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 harassment occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex-based harassment occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that Yeshiva of Far Rockaway used to evaluate the allegations;
  - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Yeshiva of Far Rockaway will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Yeshiva of Far Rockaway to the complainant, and, to the extent appropriate, other students identified by Yeshiva of Far Rockaway to be experiencing the effects of the sex-based harassment; and

- Yeshiva of Far Rockaway's procedures and permissible bases for the complainant and respondent to appeal.
- Yeshiva of Far Rockaway will not impose discipline on a respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other people Yeshiva of Far Rockaway identifies as having had equal access to Yeshiva of Far Rockaway's education program or activity limited or denied by sex-based harassment;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within Yeshiva of Far Rockaway's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that Yeshiva of Far Rockaway 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.



**Appeals:**

Yeshiva of Far Rockaway will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- 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.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Yeshiva of Far Rockaway will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Yeshiva of Far Rockaway will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Yeshiva of Far Rockaway offers will be equally available to all parties.

**Informal Resolution:**

At any time prior to determining whether sex discrimination occurred, Yeshiva of Far Rockaway may offer to a complainant and respondent an informal resolution process. To the extent necessary, Yeshiva of Far Rockaway will also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity.

Yeshiva of Far Rockaway will determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made. Circumstances when Yeshiva of Far Rockaway may decline to allow informal resolution include but are not limited to when the institution determines that the alleged conduct would present a future risk of harm to others.

Yeshiva of Far Rockaway will not require or pressure the parties to participate in an informal resolution process. The institution will obtain the parties' voluntary consent in writing to the informal resolution process and will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Before initiation of an informal resolution process, Yeshiva of Far Rockaway will provide to the parties notice in writing 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 institution'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 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 Yeshiva of Far Rockaway will maintain and whether and how the institution could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in Yeshiva of Far Rockaway's grievance procedures. Any person designated by the institution to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will receive the required training.

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

- Restrictions on contact; and

- Restrictions on the respondent's participation in one or more of the institution's programs or activities or attendance at specific events, including restrictions the institution could have imposed as remedies or disciplinary sanctions had the institution determined at the conclusion of the institution's grievance procedures that sex discrimination occurred.

**Supportive Measures:**

Yeshiva of Far Rockaway will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to Yeshiva of Far Rockaway's education program or activity or provide support during Yeshiva of Far Rockaway's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but are not limited to, counseling, deadline extensions, other course-related adjustments, campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; leaves of absence, training and education, and voluntary or involuntary changes in class, work, housing, and extracurricular or other activities.

**Disciplinary Sanctions and Remedies:**

Following a determination that sex-based harassment occurred, Yeshiva of Far Rockaway may impose disciplinary sanctions, which may include but are not limited to, required training or counseling, a warning, probation, suspension, or expulsion. Yeshiva of Far Rockaway may also provide remedies, which may include but are not limited to, education and training, counseling services, policy changes, academic support, or housing changes.