

AGGRIEVED PARTY

Confidentiality

Touro has a duty to report or investigate potential misconduct, even if a Complainant does not wish to initiate an official process. Therefore, though Touro will protect, to the extent possible, the privacy of all persons relevant to a complaint, absolute confidentiality cannot be promised since facts may be disclosed, when necessary, for Touro's effective investigation of a matter.

Complainant should file their complaint, preferably in writing, as soon as possible after the alleged misconduct, but no later than the earlier of 180 days after the incident or the end of the semester in which the alleged incident occurred.

Complaint may be made to the Compliance Hotline/ Office of Institutional Compliance, Human Resources (for employees), Dean of Students (for students), or any faculty or staff member (who is required to report to the Campus Compliance Officer or Dean of Students, as applicable).

A complaint should include:

- Complainant's full name, home address, email, telephone number, and Touro ID number;
- Name of the person against whom the complaint was made, including job title or student status, if known;
- The protected status that is the basis for the alleged misconduct;
- A statement of the facts, including relevant dates and witnesses;
- The specific harm that resulted from the alleged act and the remedy sought; and
- The Complainant's signature and the date on which the complaint was submitted.

Evidentiary Standard

A preponderance of the evidence standard shall apply.

Fact-Finder's Decision

At the conclusion of the investigation, the Fact-Finder will present a written determination to the Complainant and to the Respondent, including any corrective actions to be taken. Touro will take prompt, effective, remedial action to resolve any identified discrimination and to ensure that the effects are remedied and to ensure that it will not occur again.

Intake Interview

Dean of Students (Dean), Compliance Officer (CO), or their designee, will reasonably attempt to meet with the Complainant not later than 30 days after receipt of the complaint.

The Dean, CO, or designee will inform Complainant about the investigation procedure and timeline, and may sign a formal complaint form (if required and not previously signed). Nonetheless, a complaint will be processed even in the absence of a signed written complaint.

Investigation

The Dean, CO, or designee will thoroughly and impartially investigate the complaint, including documenting interviews of Complainant, Respondent, and witnesses with relevant knowledge. Relevant documents and any other relevant evidence will also be collected and included in the final investigation file.

Upon completion of the investigation, the Dean, CO, or designee will present the investigation file to a designated impartial Fact-Finder, who:

- Receives training by the Office of Institutional Compliance and/or third-party Title IX compliance vendors.
- Is generally a senior member of the Touro College & University System community, or an external subject matter expert.
- Is not a party in the investigation.
- Does not serve on any Appeals Committee.
- Is free from any conflict of interest or bias in favor of or against any party to the investigation.
- Endeavors to issue a determination within fifteen (15) business days from receipt of the investigation file.

APPEALS

Within five (5) business days of receipt of the Fact-Finder's Decision, the Complainant or Respondent may submit an appeal to the Office of Institutional Compliance with a showing of one of the following:

- Evidence of bias of the fact-finder;
- New material, documentation or information that was not available to the Fact-Finder at the time of the initial decision; or
- Procedural error.

The other party will be notified of any appeal and will have an opportunity to submit a narrative and any supporting documentation to the Appeals Committee.

A 3-person Appeals Committee will be appointed to review the investigation file and any appeal materials submitted by the parties. The Committee may request additional information from any other individuals of its choosing who may be knowledgeable about the issues, and may have discussions with involved parties.

Investigations will generally be resolved within 60 days from the date of the complaint, but may be extended due to the unavailability of data or evidence, the number of witnesses involved, the failure of the Complainant to properly assist in the investigation, or additional factors.

A quorum (more than half) of the Appeals Committee must be present in order to conduct official business and render a decision.

All decisions shall be made by majority vote, the voting mechanism and frequency to be as reasonably determined by the Committee. The Committee shall submit their decision in writing to the Office of Institutional Compliance.

The Office of Institutional Compliance will notify the parties in writing of the appeal decision. The decision of the Appeals Committee is final.

SANCTIONS

(a) Individuals who violate Touro's policies will be subject to disciplinary action up to and including separation. Touro will take prompt and effective action to resolve any discrimination or harassment determined to have existed, and take steps to avoid a recurrence.

(b) The extent of the sanctions may depend on a variety of factors and the nature of the offense. Touro has the right to apply any sanction or combination of sanctions.

(c) Individuals who retaliate against someone who files a complaint, or against a witness, representative, or advocate for a Complainant, will also be subject to disciplinary action even though they may not be a party to the original complaint.

COMPLAINT RESOLVED

Members of the Touro community are always subject to local, state, and federal laws. Complainant always has the right to file a complaint or charge with appropriate federal, state, or local departments or agencies.

PROTECTION AGAINST RETALIATION

Any conduct by a Touro community member that may be regarded as retaliatory is prohibited, regardless of the nature of the complaint issued by the Complainant. Retaliation shall be construed as a separate violation, regardless of the validity of the original claim.

Retaliation is any kind of reprisal or adverse action taken against an individual because they have:

- complained about alleged discrimination or harassment,
- participated as a party or witness in an investigation, or
- participated as a party or witness in a proceeding.

This procedure does not apply to Title IX, which has its own separate procedure for complaints.