CENTRAL YESHIVA TOMCHEI TMIMIM LUBAVITZ

Title IX Policies and Procedures

Central Yeshiva Tomchei Tmimim Lubavitz is dedicated to maintaining an environment where all individuals - including students, employees, applicants, and other participants in educational programs or activities, including employment - are granted equal access to education and other opportunities. This commitment is in accordance with Title IX of the Education Amendments of 1972 and subsequent amendments, which prohibit discrimination on the basis of sex in federally funded education programs or activities.

Title IX Definitions

- **Advisor** - An individual of the Complainant's or Respondent's choosing to provide support during the complaint process. An advisor may be, but is not required to be, an attorney.
- **Complainant** - An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- **Decision-Maker** - An individual who is responsible for evaluating evidence of sexual harassment and determining responsibility in Title IX cases. To avoid conflicts of interest, a decision-maker cannot also serve as the Title IX Coordinator or investigator.
- **Formal Complaint** - A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. A formal complaint must be filed in writing, and may be submitted in-person, by mail or email.
- **Investigator** - An institutional employee who is responsible for investigating claims of sex discrimination, including gathering evidence and compiling factual findings in compliance with Title IX regulations. An investigator may also serve as the Title IX Coordinator.
- **Respondent** - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Title IX Coordinator** – A designated institutional employee responsible for overseeing the institution's efforts to prevent and address sex discrimination and ensure compliance with its Title IX obligations.

Any individual designated by an institution as a Title IX Coordinator, investigator or decision-maker may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinator

Central Yeshiva Tomchei Tmimim Lubavitz has designated Rabbi Sholom Brod as the Title IX coordinator. He has been assigned to manage the institution's efforts to prevent and address sex

discrimination while maintaining compliance with Title IX requirements. This includes ensuring that all reports of sex discrimination are addressed in compliance with Title IX regulations.

Contact Information
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Sex Discrimination

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. The report can be made in person, by mail, telephone, or email, using the contact information listed for the Title IX Coordinator. It can also be submitted by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time, including during non-business hours.

Central Yeshiva Tomchei Tmimim Lubavitz will review and address all reports of sex discrimination, including reports that do not meet the Title IX definition of sexual harassment, as defined below. Responses to these reports will vary depending on the specifics of the reports and the findings of the review. Potential responses may include supportive measures, educational remedies, institutional remedies and/or disciplinary action.

Sexual Harassment

As mandated by Title IX, Central Yeshiva Tomchei Tmimim Lubavitz has developed the following policies and procedures to promptly and effectively respond to any reports of sexual harassment that take place in the institution's educational program or activities, as defined by Title IX. For Title IX purposes, sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct, commonly known as quid pro quo harassment;
- Unwelcome conduct determined "by a reasonable person to be so severe, pervasive, and objectively offensive" as to deny a person equal access to the institution's education program or activity; or
- Sexual assault, dating violence, domestic violence or stalking as defined in the Clery Act and the Violence Against Woman Act (VAWA).

General Response to Sexual Harassment
Should Central Yeshiva Tomchei Tmimim Lubavitz have actual knowledge of sexual harassment in an education program or activity they will respond promptly in a manner that is appropriate and responsive. The institution's response will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and consider the complainant's wishes with respect to supportive measures. They will also inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

The Grievance Process
The grievance process refers to the procedures the institution will follow to address a formal complaint of sexual harassment once it has been filed.

Upon receiving a formal complaint, the Title IX Coordinator will evaluate whether the claims meet the requirements for sexual harassment under Title IX. The respondent will not be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Dismissal of a Formal Complaint
If the alleged conduct, even if proven, does not constitute sexual harassment as defined by Title IX, did not occur within the institution's education program or activity, or did not occur against a person in the United States, the formal complaint will be dismissed. In such cases, the complainant may be referred to other resources, including law enforcement and/or supportive services.

If, at any point during the investigation or hearing, the complainant notifies the Title IX Coordinator in writing of their intention to withdraw the formal complaint or any allegations within it; the respondent is no longer enrolled or employed by the institution; or specific circumstances prevent the institution from collecting enough evidence to reach a determination regarding the formal complaint or its allegations, the complaint may be dismissed.

Upon the dismissal of a formal complaint, the institution will promptly send written notice of the dismissal, along with the reason(s), to both parties simultaneously.

Written Notice
If the institution finds that the formal complaint meets the requirements for sexual harassment under Title IX, the Title IX Coordinator will send written notice of the complaint and its allegations to the complainant and respondent as soon as practicable, but within 7 days. The notice will provide a detailed overview of

the grievance process, inform the parties of their rights, and offer information about any available resources.

The Investigation

The investigation will then proceed, during which time the investigator will evaluate and review all relevant evidence. The investigation will be completed within 30 days, unless an extension is granted for good cause. Extensions may be issued in increments of no more than 5 days, with written notice provided to the complainant and the respondent of the delay or extension and the reasons for the action.

If, in the course of the investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the investigator will provide notice of the additional allegations to the parties whose identities are known.

Central Yeshiva Tomchei Tmimim Lubavitz is responsible for both the burden of proof and gathering evidence necessary to make a determination of responsibility. To protect the privacy of all parties, the institution will not access or use a party's medical or mental health treatment records, created by professionals or paraprofessionals, during the Title IX grievance process without obtaining the party's voluntary, written consent.

The institution will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. It will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The institution will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution will not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.

The institution will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other related meetings, with at least 24 hours' notice to allow the party sufficient time to prepare to participate.

Both parties will be given the opportunity to review all evidence related to the allegations. Prior to the completion of the investigative report, the evidence will be shared with the parties and their advisors in either electronic or hard copy format, allowing 10 days for a written response. The investigator will consider these responses before completing the report. Additionally, all evidence will be accessible during any hearing, ensuring equal opportunity for both parties to reference it, including for cross-examination purposes.

The investigator will create a report that fairly summarizes relevant evidence and, 10 days prior to the hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party wishes to submit a written response to the investigative report, the party must submit the report at least 24 hours prior to the scheduled start of the hearing.

Live Hearing

Following the scheduling of the live hearing, the institution will ensure that all parties are promptly informed of the date, time, location, participants, and purpose to allow for adequate preparation.

During the hearing, each party's advisor will be permitted to ask the other party and witnesses relevant questions, including follow-up questions to challenge credibility. If a party does not have an advisor present at the hearing, the institution will provide one at no cost.

At the request of either party, the institution will provide the option for the hearing to occur with the parties in separate rooms. Technology will be used to ensure that all participants can simultaneously see and hear each other.

Only relevant cross-examination and other questions may be asked of a party or witness. Before any party or witness answers a question, the decision-maker will determine whether the question is relevant and explain any decision to exclude a question as irrelevant.

The institution may conduct hearings with participants appearing virtually as long as technology allows everyone to see and hear each other simultaneously. The institution will create an audio or audiovisual recording or transcript of the hearing and make it available to the parties for inspection and review.

Determination Regarding Responsibility

Within 90 days of the formal complaint being filed, the decision-maker will issue a written determination of responsibility, applying the “clear and convincing” standard of evidence. This determination will identify the allegations, describe procedural steps taken, present findings of fact, and provide conclusions based on the institution’s code of conduct. It will also include the rationale for the decision, disciplinary sanctions for the respondent, and remedies for the complainant to ensure equal access to the education program. The written determination will be shared with both parties simultaneously, along with information on appeal procedures.

Appeals

All parties will have the right to file an appeal within 14 days of the written determination. Appeals are permitted on the following bases only: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or an assertion that Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

Supportive Measures

Central Yeshiva Tomchei Tmimim Lubavitz will inform the complainant of available supportive measures, resources and referrals and will assist the complainant in accessing those resources. Resources and referrals that are culturally sensitive, bilingual, offer personalized support, and are reasonably available are appended to this document.

Supportive measures may include, but are not limited to:

- Academic accommodations, such as deadline extensions, tutoring services, changes in class schedules, or withdrawal from a course without penalty.
- Housing adjustments, such as changes to dormitory assignments or alternative housing arrangements.
- Increased security and monitoring measures on campus.
- Counseling services, including referrals to community-based mental health professionals.
- Guidance in obtaining crisis support.

The institution is committed to ensuring that any supportive measures offered are non-punitive, non-disciplinary, and not unreasonably burdensome to the respondent. These measures are specifically designed to maintain equal access to the education program, protect the safety of all parties, and deter sexual harassment.

Supportive measures are available regardless of whether or not the complainant files a formal complaint. They may be implemented promptly upon request and prior to any determination of responsibility for the alleged conduct.

Remedies

After the grievance process has been completed and the respondent has been found culpable, remedies will be implemented. Remedies are designed to ensure the complainant's continued and equal access to the institution's educational programs and activities. Remedies may include supportive measures previously outlined, as well as additional steps tailored to the specific circumstances of the case. Remedies may be punitive or disciplinary in nature and may impose burdens on the respondent as deemed reasonable under the circumstances.

The institution is committed to implementing remedies that are fair, appropriate, and proportional to the misconduct while ensuring that the complainant's rights and access to education are safeguarded.

Disciplinary Sanctions

Any student who is found to be culpable of sexual harassment will receive a disciplinary sanction. Sanctions may include, but are not limited to, a notation on the student's record or academic transcript, probation, suspension, or expulsion.

Any employee who is found to be culpable of sexual harassment will immediately be terminated from their position.

Retaliation

The institution or any person will not intimidate, threaten, pressure, or discriminate against any individual to prevent them from exercising their rights under Title IX. This includes actions such as reporting an issue, assisting with an investigation, testifying, or refusing to participate in the process. Retaliation of any kind is strictly prohibited. Complaints alleging retaliation may be filed according to the procedures for sex discrimination listed above.

Resources and Referrals

National and Regional Resources

National Domestic Violence Hotline
1-800−799−7233
TTY: 1-800-787-3224
Text: Text Start to 88788
https://www.thehotline.org

National Sexual Violence Resource Center
https://www.nsvrc.org/

New York State Coalition Against Sexual Assault
1-800-942-6906
http://www.nyscasa.org

RAINN National Sexual Assault Hotline
1-800-656-4673
https://www.rainn.org/

Additional resources that are bilingual and culturally sensitive to the needs of the Orthodox Jewish community:

Amudim
646-517-0222
646-517-0221
info@amudim.org
https://amudim.org/services-sexual-abuse/

Understanding the particularly delicate nature of sexual abuse in the Jewish community, Amudim's guiding principle is to treat victims and their families with care and compassion. Their knowledgeable and sensitive staff offers a wide range of assistance, maintaining the highest possible comfort level for victims and their families.

OHEL Children's Home & Family Services
800-603-6435
access@ohelfamily.org
https://www.ohelfamily.org/service/domestic-violence

Ohel provides critical services to Jewish women and their children who are victims of domestic violence or abuse. They have assisted hundreds of women in successfully rebuilding their lives with confidentiality and dignity. Calls for assistance can come from a family member, friend, neighbor, or the victim herself who decides to seek help.

Shalom Task Force
Confidential hotline - call, text or WhatsApp - (888) 883-2323
Legal department - call or text - (212) 742-1110, or email legalintake@shalomtaskforce.org
https://shalomtaskforce.org.
https://shalomtaskforce.org/about-us

The mission of Shalom Task Force, Inc (STF) is to combat and prevent domestic violence and foster healthy and safe relationships and families. STF focuses its work in the Jewish community, to help those that may not have access to traditional services and need culturally sensitive programming.