

# The Juilliard School

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SEXUAL MISCONDUCT & HARASSMENT  
POLICY AND ADJUDICATION PROCEDURE

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## OVERVIEW

The Juilliard School (“Juilliard” or the “School”) is committed to providing an academic, residential and work environment free from sexual misconduct, sexual harassment and other forms of discrimination, and in which all members of the Juilliard community are treated with the respect and dignity necessary to realize their full potential. Sexual misconduct and harassment, including acts of **sexual assault**, sexual violence, intimate partner violence and other forms of unlawful discrimination, are prohibited by School policy, as well as by federal and state law, and will not be tolerated in any form. If there is a finding that any form of sexual misconduct or harassment in violation of this policy has occurred, including any form of retaliation, Juilliard will take appropriate action, up to and including termination of employment or dismissal from the School. Anyone in the Juilliard community who knowingly allows or tolerates sexual misconduct, harassment or retaliation against an individual who makes a report of sexual misconduct or harassment is also in violation of this policy and subject to disciplinary action.

Juilliard seeks to foster a culture of prevention and awareness surrounding sexual misconduct and harassment. Any member of the Juilliard community who has been a target of, has witnessed or has information about sexual misconduct, sexual harassment or other forms of unlawful discrimination by a student, employee or other Juilliard community member should report the incident. Juilliard is committed to responding promptly and effectively to all reports of sexual misconduct, harassment or other discrimination, including providing counseling and support services for individuals and groups who have been affected by sexual misconduct or harassment, holding individuals who violate this policy accountable through student or employee disciplinary or adjudication processes and providing education and training to the Juilliard community. The School will take appropriate action to eliminate sexual misconduct and harassment, prevent its recurrence, remedy its effects on the Juilliard community and, if necessary, discipline behavior that violates this policy.

### **A. Scope of Policy and Procedure**

All members of the Juilliard community, including employees and students, are protected under and are expected to comply with this policy (the “Policy”) and adjudication procedure (the “Procedure”). When used in this Policy and Procedure, “employee” refers to both faculty and staff members. All non-faculty employees are considered members of the Juilliard staff.

All students and employees of the School are responsible for their actions and behavior, whether the conduct in question occurs on campus or in a different location. As such, this Policy and Procedure apply to both on-campus conduct and off-campus conduct that affects the Juilliard community. Vendors, independent contractors, visitors and others who conduct business with Juilliard or who are present on the School campus are also expected to comply with this Policy and any other rules of their engagement. These individuals will be held to the same standard of accountability as other employees of the School. Juilliard will take immediate action in response to all allegations of sexual misconduct and harassment to ensure the safety of the Juilliard community and provide an environment free from sexual misconduct, harassment or other unlawful discrimination.

## **B. Purpose of Policy and Procedure**

This Policy and Procedure are intended to provide guidance to students and employees who have been affected by sexual misconduct or harassment, whether as a reporting party, an accused party or a third party.

When used in this Policy and Procedure, a “Complainant” is the person who reports to the School that he or she has been the subject of sexual misconduct or harassment. A “Respondent” is the person who is reported to have committed an act of sexual misconduct or harassment. A “third party” refers to any other participant in the reporting process, including a witness to the misconduct or an individual who makes a report on behalf of someone else.

The purpose of this Policy and Procedure is to:

- Identify the administrators at the School who are responsible for the implementation of this Policy, including the Title IX Coordinator and Deputy Title IX Coordinators, and the scope of their roles;
- Define sexual harassment and other forms of sexual misconduct that violate Juilliard policies and community standards;
- Identify resources and support services for members of the Juilliard community;
- Provide information as to where a Juilliard community member can access resources or obtain support confidentially;
- Provide information on how a Juilliard community member can make a report or complaint of sexual misconduct or harassment; and
- Provide information on how a report against a Juilliard community member will be investigated and adjudicated.

### **NOTICE OF NON-DISCRIMINATION**

Any form of harassment, including sexual misconduct, or other unlawful discrimination, whether physical or verbal, based upon actual or perceived race; sex; color; religion; creed; age; national origin; alienage; citizenship status; ancestry; sexual orientation or preference; gender identity; physical or mental disability; medical condition; predisposing genetic characteristics; marital status; partnership status; past or present service in the uniformed services or application or obligation to serve in the uniformed services; status as a survivor of domestic violence, sex offenses or stalking; or any other basis is strictly prohibited not only under this Policy, but also under federal and state law, including Title IX of the Education Amendments, Titles VI and VII of the Civil Rights Act, Section 504 of the Rehabilitation Act and the New York State Human Rights Law.

Sexual harassment, including sexual misconduct, sexual violence and intimate partner violence as defined in this Policy, is strictly prohibited by Title IX of the Education Amendments. Title IX provides, in pertinent part:

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.

This Policy prohibits sexual misconduct and other forms of harassment against all Juilliard community members of any gender, gender identity, gender expression or sexual orientation. Consistent with the values of an educational and employment environment free from sexual harassment, Juilliard also prohibits gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, hostility or intimidation based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

It should be noted that not every act that might be offensive to an individual or a group of individuals will necessarily be considered unlawful harassment. In determining whether a particular act constitutes harassment, the totality of circumstances pertaining to the incident will be carefully reviewed using both an objective and subjective standard, and due consideration will be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

## STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY

Juilliard is committed to protecting the privacy of all individuals involved in a report of sexual misconduct or harassment. At all times, the parties' privacy will be respected and safeguarded to the fullest extent possible. Information related to a report of sexual misconduct or harassment will be shared only with those Juilliard employees who "need to know" to assist in the investigation and/or resolution of the complaint. All School employees who are involved in the review, investigation or resolution of a complaint or report have specific training regarding the safeguarding of private information.

Students or employees who wish to obtain confidential assistance or access on-campus resources without making a report to the School may do so by speaking with a confidential resource as identified in the [Community and Campus Resources](#) section of this Policy and Procedure. Confidential on-campus resources include Student Health Services and Student Counseling Services (for College students) and the Employee Assistance Program (for faculty and staff). Absent extenuating circumstances, these resources will not share any information with other School employees without express permission.

Where Juilliard has received a report of sexual misconduct or harassment, but the Complainant requests that his or her identity remain confidential or that the School not pursue an investigation, the School must balance this request with its responsibility to provide a safe and non-discriminatory environment for the Juilliard community. Juilliard will take all reasonable steps to investigate and respond to the complaint consistent with the Complainant's request, but its ability to do so may be limited.

If an incident of sexual misconduct poses an immediate threat to the Juilliard community, or when timely notice must be given to protect the health or safety of the community, the School may not be able to maintain the requested level of confidentiality. Immediately threatening circumstances include, but are

not limited to, reported incidents of sexual misconduct that include the use of force or a weapon, a pattern of similar behavior by the Respondent or other circumstances that represent a serious and ongoing threat to Juilliard students, faculty, staff or visitors. In such instances, Juilliard may choose to exercise its independent duty to report the incident to local law enforcement. A Complainant should recognize, however, that he or she is under no obligation to speak to law enforcement personally or to pursue any legal action against a Respondent.

All adjudication proceedings under this Policy are conducted in compliance with the requirements of Title IX, FERPA, the Clery Act and Juilliard policy. No information shall be released from these proceedings except as required or permitted by law and School policy.

## ROLE OF THE TITLE IX COORDINATOR

Juilliard is required by law to designate at least one employee to coordinate its efforts to comply with federal laws governing sexual misconduct and harassment, including Title IX, oversee related policies and procedures, explain the operation of the reporting process and adjudication procedure and ensure consistent practices and standards in responding to reports of sexual misconduct and harassment. Juilliard's compliance coordinator (the "Title IX Coordinator" or "Coordinator") is:

Jennifer M. Awe, Ed.D., CSCS  
Dean of Student Affairs  
The Juilliard School  
60 Lincoln Center Plaza  
Room 245E  
New York, NY 10023-6588  
(212) 799-5000, ext. 7447  
[jawe@juilliard.edu](mailto:jawe@juilliard.edu)

The Coordinator has designated the following School officials to act as deputy compliance coordinators (the "Deputy Title IX Coordinators" or "Deputy Coordinators") and to receive reports of sexual misconduct and harassment:

- For Complaints by Students : Assistant Dean for Student Affairs  
Room 100  
Ext. 200
- For Complaints by Employees: Director of Human Resources  
Room 231  
Ext. 355

Alternatively, students and employees may make a report directly to the Coordinator, the Associate Dean for Administration (Office of the Dean, ext. 593) or the Vice President for Library and Information Resources (Library, ext. 673).

To assure School-wide compliance with federal and state laws and with Juilliard policies and procedures, ultimate oversight of the Policy and Procedure will remain with the Coordinator. The Coordinator must be advised of all reported incidents of sexual misconduct or harassment and their resolution, regardless of who initially receives the report.

Duties of the Coordinator and the Deputy Coordinators include the following:

- Being knowledgeable about and trained in Juilliard’s policies and procedures and relevant federal and state laws;
- Overseeing the investigation and resolution of all reports of sexual misconduct or other harassment involving students, staff and faculty;
- Advising any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the School, both informally and formally, and in the community;
- Advising any individual, including a Complainant, a Respondent or a third party, about support services and other resources available at the School and in the community;
- Providing assistance to any Juilliard employee regarding how to respond appropriately to a report of sexual misconduct or harassment;
- Monitoring full compliance with all procedural requirements and timeframes outlined in the adjudication process; and
- Being responsible for training, prevention and education efforts and annual reviews of Juilliard climate and culture.

Alternately, or in addition to the Coordinator or other designated School official, inquiries or complaints by employees may be addressed to the federal Equal Employment Opportunity Commission (EEOC). Further information on filing a complaint with the New York District Office of the EEOC can be found at: <http://www.eeoc.gov/field/newyork/charge.cfm> or by calling 1-800-669-4000. Inquiries or complaints by students may be addressed to the U.S. Department of Education’s Office for Civil Rights (OCR). Additional information may be found at: <http://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm> or by calling the OCR at 1-800-421-3481.

## PROHIBITED CONDUCT AND DEFINITIONS

Juilliard prohibits all forms of sexual misconduct, including sexual harassment, sexual violence and intimate partner violence. These are umbrella terms which encompass a broad range of behavior. In general, **sexual harassment** refers to a form of unlawful discrimination based on sex or gender. **Sexual violence** refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. **Intimate partner violence** refers to any act or threatened act of violence, sexual or otherwise, against a person by an individual who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person.

Within these broad categories, the School specifically prohibits sexual harassment, sexual assault, sexual-based communication, sexual exploitation, harm to others, stalking and retaliation. All such incidents of sexual misconduct will be resolved in accordance with this Policy and Procedure.

## **A. Sexual Harassment**

### **1. “Sexual Harassment” Defined**

Sexual harassment is any unwelcome sexual advance, request for sexual favors or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of the individual’s employment, academic admission, education, artistic endeavor or participation in a School program or activity;
- Submission to or rejection of such conduct by an individual is used as a basis for any employment or academic decisions affecting such individual; or
- Such conduct unreasonably interferes with a student’s educational process or an employee’s work performance or has the purpose or effect of creating an intimidating, hostile or offensive work atmosphere or educational setting. The terms “intimidating”, “hostile” and “offensive” include conduct that has the effect of humiliation, embarrassment or discomfort.
- Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, hostility or intimidation based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. This Policy prohibits sexual misconduct or harassment against Juilliard community members of any gender, gender identity or sexual orientation.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents in order to establish a hostile environment, particularly if the harassment is physical.

### **2. Forms of Sexual Harassment**

Sexual harassment, including sexual misconduct, can take a number of forms:

- Sexual misconduct and harassment may be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- Sexual misconduct and harassment can be committed by an individual or may be a result of the actions of an organization or group. It can be committed against an individual, an organization or a group.
- Sexual misconduct and harassment can be committed by an acquaintance, a stranger or someone with whom the Complainant has an intimate or sexual relationship.

- Sexual misconduct and harassment may occur in the classroom, in the workplace, in residential settings or in any other setting.
- Sexual misconduct and harassment may be a one-time event or can be part of a pattern of behavior.
- Sexual misconduct or harassment may be committed in the presence of others or when the parties are alone.
- Sexual misconduct and harassment may affect the Complainant and/or third parties who witness or observe the harassment.

### **3. Common Examples of Sexual Harassment**

Sexual harassment, whether committed by administrators, faculty, staff, guest artists, vendors, outside contractors or students, is strictly prohibited and will not be tolerated in any form. Common examples of sexual harassment include, but are not limited to:

- Unwanted sexual advances, especially if requested in exchange for an educational or employment benefit;
- Direct or indirect threats or bribes for unwanted sexual activity;
- Pressuring an individual to become involved in sexual activity;
- Repeatedly asking a person out for dates or to have sex;
- Repeated and extreme ogling, leering or suggestive staring;
- Verbal conduct: Repeated and/or extreme sexual innuendoes; sexually explicit jokes, comments or questions; sexually explicit profanity; graphic or degrading remarks or jokes about a person's appearance, gender or sexual orientation; spreading rumors about a person's sexuality;
- Physical conduct: Unwanted, offensive or abusive deliberate physical contact, including pinching, rubbing, massaging, brushing against the body or blocking someone's movement;
- Visual conduct: Making obscene gestures; creating graffiti about a person's gender or sexuality; displaying pictures, calendars, cartoons or other materials with sexually explicit or graphic content;
- Letters, notes, telephone calls, e-mails, texting, sexting, Facebook postings, other online postings or other material of a sexual nature; and
- Sexually explicit classroom assignments or discussions without a legitimate academic purpose.

### **4. Intimate Partner Violence (a Form of Sexual Harassment)**

Intimate partner violence is also referred to as dating violence, domestic violence and relationship violence, and includes any act of violence or threatened act of violence against an individual by a person who is, or has been, involved in a sexual, dating, domestic or other intimate relationship with that individual. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including but not limited to physical violence, sexual violence, emotional violence and economic abuse. Intimate partner violence may take the form of threats, assault, property damage, and violence or threat of violence to one's self, one's sexual or romantic partner or to

the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions and sexual orientation and does not discriminate by racial, social or economic background.

Juilliard will not tolerate intimate partner violence in any form. This includes any actions that intimidate, humiliate, coerce, threaten, frighten, injure or isolate another. For purposes of this Policy, the School does not define intimate partner violence as a distinct form of misconduct. Rather, the School recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

Additional forms of sexual misconduct and harassment, including **sexual assault** and **retaliation**, are defined and described more fully below.

## **B. Other Forms of Sexual Misconduct**

In addition to the conduct set forth above as sexual harassment, the following conduct is also prohibited under this Policy:

### **1. Sexual Assault**

**a. Related to Attempted or Actual Penetration:** Having or attempting to have non-consensual vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact. This includes sexual intercourse (*i.e.*, rape) or attempted intercourse under circumstances including:

- where the use or threat of intimidation, coercion or force is involved;
- where the other person is incapacitated and that incapacitation is reasonably apparent to the person accused of sexual assault (the Respondent); or
- where the other person does not consent.

**b. Related to All Other Forms of Sexual Contact:** Having or attempting to have any non-consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing, touching the intimate parts of another or causing the other to touch the Respondent's intimate parts. This includes sexual contact under circumstances including:

- where the use or threat of intimidation, coercion or force is involved;
- where the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent; or
- where the other person does not consent.

### **2. Sexual Exploitation**

Taking sexual advantage of another person for the Respondent's own advantage or benefit, or for the benefit or advantage of anyone other than the Complainant, when that behavior does not otherwise constitute other forms of sexual misconduct or harassment described in this Policy. Examples of sexual exploitation include recording, photographing or transmitting images of another person of a sexual nature via web-cam, camera, Internet, etc., without the knowledge and consent of all persons; knowingly

exposing HIV or another STD to an unknowing person or to a person who has not consented to the risk; causing or attempting to cause incapacitation for the purpose of making another person vulnerable to sexual assault; allowing third parties to observe private sexual acts; and voyeurism.

### **3. Harm to Others (including Intimate Partner Violence)**

Physical, verbal or psychological abuse, harassment, intimidation or other harmful conduct that harms, threatens or endangers the health, well-being or safety of another individual. It can include, but is not limited to, threats, intimidation, assaulting another person and/or purposefully injuring another person. Acts which constitute harm to others that are a form of intimate partner violence, or behavior based on sex or gender, will be resolved under this Policy and Procedure.

### **4. Stalking**

A pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to become alarmed or be in fear of harm or injury, including physical, psychological or emotional harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass, intimidate, threaten or make unwelcome contact with another person. Stalking generally involves one person's obsessive and unwanted behavior toward another person.

### **5. Retaliation**

Acts or attempts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment or intent to prevent participation in Juilliard's reporting or adjudication procedures under this Policy. Retaliation may include continued abuse or violence, other harassment, slander or libel and includes acts committed by a Complainant, Respondent or third party and acts committed at the behest of a Complainant, Respondent or third party.

### **6. Aiding or Facilitating**

Aiding or facilitating any act of sexual misconduct or harassment as set forth in this section is also a violation of this Policy.

## DEFINITIONS OF CONSENT, COERCION AND INCAPACITATION

### A. Consent to Sexual Contact

With respect to any form of sexual contact, such contact must be **consensual** at all times. Conduct is considered consensual when **effective consent** has been given through affirmative **words or actions** indicating a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. The words or actions indicating consent must be sufficient to demonstrate that a reasonable person would believe consent had affirmatively and freely been given. As a general rule, a person will be considered unable to give effective consent if he or she cannot appreciate the “who, what, when, where, why and how” of a sexual encounter. In determining whether effective consent has been given, it is important to be aware of the following:

- **Under New York law, individuals under the age of 17 cannot give effective consent under any circumstances. Any sexual contact with a person under age 17 is non-consensual and illegal.**
- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.
- Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, either verbally or non-verbally, sexual activity must cease.
- Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing sexual activity.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.
- Alcohol and other drugs impair a person’s decision-making capacity, awareness of the consequences and ability to make judgments, and can create an atmosphere of confusion over whether consent has been freely and clearly sought or given.
- Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct or harassment and does not diminish an individual’s responsibility to obtain effective consent.

## B. Coercion

Effective consent cannot be gained by the use or threat of physical force, by ignoring or acting in spite of the objections of another, or by intimidation or **coercion**. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant or similar substance that impairs the person's ability to give consent.

## C. Incapacitation

An individual who is **incapacitated**, whether due to alcohol, drugs or physical or mental disability or is unconscious, unaware or otherwise physically helpless is incapable of giving effective consent. For example, an individual who is mentally impaired, passed out or asleep cannot give consent to sexual contact.

An individual is considered incapacitated when he or she lacks the physical and/or mental ability to make informed rational judgments. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings or the inability to communicate for any reason.

An individual may experience a blackout state in which he or she appears to be giving consent, but does not actually have conscious awareness, the ability to consent or later recall of the events. The extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware, or reasonably could not have known, of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The question is whether the Respondent knew, or a sober reasonable person in the position of the Respondent should have known, that the individual was incapacitated. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution; *i.e.*, **when in doubt, assume that the person is incapacitated and therefore unable to give effective consent.**

# CONSENSUAL RELATIONSHIPS

## A. Policy

Juilliard prohibits romantic or sexual relationships between members of the Juilliard community where one person in the relationship has actual or apparent authority to supervise, evaluate, counsel, educate, advise, employ or otherwise make decisions or recommendations regarding the other person with respect to the other person's employment, education or instruction at the School, or as to his or her advancement, participation, benefits or privileges in the educational or employment context. Although such a relationship may appear to be consensual, romantic or sexual relationships

between persons occupying asymmetrical positions of power involve an inherent conflict of interest and may give rise to claims of sexual misconduct, harassment or other forms of discrimination.

Persons in authority, either as educators, advisors, employers or supervisors, occupy positions of power over those that they educate, advise, employ or supervise. Because of the differential in power and authority, the freedom of subordinate students and employees to reject romantic sexual advances may be restricted, and the person in authority may be at substantial risk for complaints of coercion. Even if a student or subordinate does not appear to object to participation in the relationship, this does not mean that the individual welcomes, or will continue to welcome, the relationship. When a relationship of this nature ends, an individual's frame of reference as to whether or not the relationship was originally welcomed may change, putting claims of consent into question. Moreover, a third party who perceives that a participant in a consensual relationship received unwarranted preferential treatment may file a complaint of discrimination.

This policy has School-wide application including, without limitation, to relationships between faculty and student, faculty and faculty, administrator and faculty, administrator and staff, administrator and student, advisor and advisee, and supervisor and supervisee. In this context, the term "administrator" includes the non-faculty classifications of executive, administrator and professional. Depending on the circumstances, the prohibition against consensual relationships also extends to relationships between students where one student has any supervisory academic responsibility for the other student or has been entrusted with the welfare or guidance of the other student.

Only in very unusual circumstances will a waiver of this policy be granted, after application is made to either the Provost and Dean (for faculty), the Director of Human Resources (for staff) or the Dean of Student Affairs (for students). It should be noted that **any** romantic or sexual relationship with a minor under the age of 17 is illegal and will not be tolerated by the School under any circumstances.

## **B. Obligation to Report**

If such a relationship develops, the person in authority is required to do the following immediately:

- Refrain from taking on any teaching, evaluative, counseling or supervisory role involving a student or subordinate with whom he or she has had a sexual relationship in the past;
- Remove himself or herself from any teaching, evaluative, counseling or supervisory role involving a student or subordinate with whom he or she has a current sexual relationship, even if it is considered consensual; and
- Report the relevant facts to either the Provost and Dean (for faculty) or the Director of Human Resources (for staff) to determine how best to transfer authority over the student or subordinate to another.

If the person in authority fails to promptly or fully comply with these requirements, he or she will be subject to disciplinary sanctions, up to and including termination of employment or dismissal from the School.

## COMMUNITY & CAMPUS RESOURCES

Juilliard is committed to treating all individuals with dignity, care and respect. Both a Complainant and a Respondent will have equal access to support and counseling services through the School. All parties are strongly encouraged to utilize on-campus and/or off-campus resources for assistance.

### A. Emergency Resources

**An individual who has been the victim of a crime**, such as sexual assault or violence, is encouraged to get to a safe place and contact the local police department or call 911 **immediately**. Even if the individual does not wish to report the criminal conduct to the School or to local law enforcement, he or she should still consider going to a hospital, both for his/her own health and well-being and so that evidence can be collected and preserved. Any evidence collected will be critically important should the individual decide to make an official report at a later time.

Medical providers can also facilitate and provide the following:

- Emergency or follow-up medical services: The medical examination has two goals: first, to treat the full extent of any injury or physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and second, to collect and preserve evidence as part of a “rape kit” or sexual assault examination for potential use in a criminal prosecution (provided only by a trained professional in a hospital).
  - o **IMPORTANT:** A victim should not shower, bathe, douche, brush his/her teeth, drink or change clothing, as evidence may be destroyed that will be needed in the event the crime is prosecuted.
- HIV and STD testing.
- Pregnancy testing.
- Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician or (in the case of Juilliard College students) with the Juilliard Health Services staff, who can also provide referrals to off-campus providers.
- Juilliard Health Services can also provide College students with a list of School employees with whom an individual may file a complaint under this Policy.

Medical providers, both on-campus and off-campus, include:

Juilliard Health Services (for College students)	(212) 799-5000, ext. 282
St. Luke's Roosevelt Hospital (for all students and employees) 411 West 114 <sup>th</sup> Street	(212) 523-4728
New York Presbyterian Hospital (for all students and employees) 525 East 68 <sup>th</sup> Street	(212) 746-9414

Reports of criminal sexual misconduct can also be made by calling the NYPD's sex crimes hotline at (212) 267-RAPE or the Manhattan District Attorney's hotline at (212) 335-9373. Regardless of whether possible criminal conduct is reported to the proper authorities, Juilliard will still conduct an investigation and take appropriate steps to assist the victim.

## **B. Confidential Campus Resources**

Juilliard recognizes that not every individual will choose to make a report to the School or to local law enforcement. For those individuals seeking to talk to someone about an incident of sexual misconduct or harassment confidentially, Juilliard provides confidential on-campus support, counseling and/or referrals to all members of the Juilliard community. Individuals seeking assistance may choose the following options:

- College students can speak to a medical professional at **Juilliard Health Services**, (212) 799-5000, ext. 282. Medical professionals employed by the School have a statutorily protected confidentiality and do not share information with other School departments without the patient's consent.
- College students can also speak to a counselor at **Juilliard Counseling Services**, located in the Meredith Willson Residence Hall, (212) 769-3918. Professional counselors employed by the School do not share information with other Juilliard departments unless there is an imminent risk of danger. Individuals who have experienced sexual misconduct or harassment are encouraged to obtain help from a professional counselor and/or support group. Counseling Services staff members are available to meet with students by appointment or, in an emergency, on short-notice.
- Faculty and staff can use the HorizonCare Employee Assistance Program for confidential counseling and support, (888) 293-6948. Assistance is available 24 hours a day.
- All students, faculty and staff can visit a medical facility or hospital listed in Section A above. Information provided to medical professionals is protected by HIPAA and cannot be released without the consent of the patient.
- Pre-College and evening division students are encouraged to seek assistance from the Confidential Community Resources listed in Section C below.

## **C. Confidential Community Resources**

Additional counseling and support services may be obtained through the Safe Horizon Sexual Assault 24-Hour Hotline at (866) 689-HELP. Safe Horizon is the largest victims' services agency in the United States and offers assistance to victims through 57 program locations in New York City. Safe Horizon's Counseling Center is licensed by the state of New York and specializes in treating traumatized victims of crime and abuse.

**Other resources for victims of sexual assault or violence can be found in [Appendix B](#) of this Policy.**

## INTERIM PROTECTIVE MEASURES

After a report or complaint of sexual misconduct or harassment is made, the School will provide interim support and protective measures against further acts of misconduct, harassment or retaliation as needed, as well as provide services and resources to ensure a safe educational, living and employment environment. For a listing of available services and resources, please refer to [Community and Campus Resources](#) or [Resources for Victims of Sexual Assault or Violence](#), both of which may be found in this Policy.

The School will determine the necessity and scope of any interim remedies pending the completion of the sexual misconduct adjudication process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. Juilliard will take immediate action to enforce a previously implemented measure.

The range of interim measures includes, but is not limited to, the following:

### **A. Contact and Communication Restrictions**

A Complainant or Respondent may request contact and communication restrictions to prevent further potentially harmful interactions between the parties. In some instances, the School may implement these measures without a request. For example, the School might implement a no-contact directive, prohibiting the parties from having contact with one another, either directly or through third parties, in person or electronically.

Under certain circumstances, an individual may wish to consider obtaining a protective order from the local district court. If a court order is issued, the School will, to the extent possible, assist the individual in implementing the restrictions imposed by the court and facilitate on-campus compliance with the order.

### **B. Academic, Employment or Living Arrangements**

A Complainant or Respondent may request, or the School may impose, a change in academic, employment or living arrangements after a report of sexual misconduct or harassment. Upon request, the School will inform the Complainant or Respondent of the options and will accommodate the request if those changes are reasonably available. In some cases, the School may initiate these changes without a request. Arrangements may include:

- Accommodations in class, work, rehearsal or performance schedule, including the ability to withdraw from a course or performance without penalty;
- Limiting an individual's access to certain Juilliard facilities or activities pending resolution of the complaint;
- Reassignment of housing, if practicable;

- Voluntary leave of absence for Complainant;
- Interim suspension or leave of absence for Respondent;
- Providing an escort to ensure safe movement between classes and activities;
- Providing academic or employment support services;
- Any other remedy which can be tailored to the involved parties to achieve the goals of this Policy.

When taking steps to separate the Complainant and Respondent, the Coordinator or appropriate Deputy Coordinator will seek to minimize any unnecessary burden on either party, and reasonable efforts will be made to allow the parties to continue in their respective academic, performance, housing and/or employment arrangements. Due consideration will also be given to whether a party's continued presence on campus, or in certain areas on campus, may endanger the physical safety or emotional well-being of others or otherwise disrupt the educational or employment process.

### **C. Emotional Support**

Juilliard will assist in providing counseling services to College students through Student Counseling Services and to employees through the Employee Assistance Program. The School will also assist in providing a referral to off-campus agencies, as detailed in the [Community and Campus Resources](#) section of this Policy.

## **MAKING A REPORT UNDER THIS POLICY**

### **A. Reporting Guidelines**

All members of the Juilliard community are encouraged to report information about any type of sexual misconduct or other harassment involving a student, staff or faculty member. An incident does not have to occur on campus to be reported to the School. Off-campus conduct that adversely affects or has the potential to adversely affect the Juilliard community also falls under this Policy and Procedure.

**Time Frame for Reporting:** Although there is no time limit for reporting, all reports or complaints of sexual misconduct or harassment should be made as soon as possible after the alleged conduct occurs. Prompt reporting will enable the School to investigate the facts, determine the issues and provide an appropriate remedy or disciplinary action. If the Respondent is no longer a student or employee, the School will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence and address its effects.

**Emergency Reporting:** Juilliard encourages all individuals to seek assistance from a medical provider and/or local law enforcement immediately after an incident of sexual assault or violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The School will assist any community member in getting to a safe place and will provide transportation to the hospital, coordination with law enforcement and information about the School's resources and complaint

processes. Assistance is available 24 hours a day year-round by calling Juilliard Security and/or the local police department. Please refer to the [Resources for Victims of Sexual Assault or Violence](#) section of this Policy for more information.

**Reporting to a School Employee:** Juilliard recognizes that a student or employee may choose to report sexual misconduct or harassment to any trusted employee of the School. For example, a student may choose to confide in a faculty member, or an employee may choose to confide in a supervisor. Under this Policy, any employee or student entrusted with the welfare of another employee or student who receives a report of sexual misconduct or harassment must share the report with one of the individuals specifically charged with investigating and responding to allegations of sexual misconduct and harassment.

To enable the School to respond to all reports in a prompt and equitable manner, all members of the Juilliard community, even those who are not obligated under this Policy, are strongly encouraged to report any incident directly to a member of this team. The team will ensure that Juilliard responds to all reports in a timely, effective and consistent manner. Making a report of sexual harassment and misconduct will not affect a Complainant's employment, grades, academic standing or work assignments.

Reports can be made to:

- Title IX Coordinator:  
Jennifer M. Awe, Ed.D., CSCS  
Dean of Student Affairs  
Room 245E  
(212) 799-5000, ext. 7447  
[jawe@juilliard.edu](mailto:jawe@juilliard.edu)
- Assistant Dean for Student Affairs (for students):  
Room 100  
Ext. 200
- Director of Human Resources (for employees):  
Room 231  
Ext. 355
- Associate Dean for Administration:  
Office of the Dean  
Ext. 593
- Vice President for Library and Information Resources:  
Library  
Ext. 673

At the time a report or complaint of sexual misconduct or harassment is made, a Complainant does not have to decide whether or not to pursue resolution of the complaint through the School procedure. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. The School will seek to respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. Because sexual misconduct and harassment frequently involve behaviors or interactions that are not witnessed by

third parties, complaints cannot always be substantiated by additional evidence. Lack of corroborating evidence should not discourage individuals from reporting the incident.

**Amnesty:** The School encourages reporting and seeks to remove any barriers to reporting by making the reporting procedure transparent and straightforward. Juilliard recognizes that an individual, particularly a student, who has been drinking or using drugs at the time of the incident may be reluctant to make a report of sexual misconduct or harassment for fear of being charged with other School policy violations. An individual who reports sexual misconduct or harassment, either as a Complainant or a third party witness, will not be subject to disciplinary action by the School for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The School may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

**Retaliation:** Although Juilliard acknowledges that extreme emotions and stress often accompany incidents of sexual misconduct and harassment, the School does not condone any person engaging in any type of retaliation. Retaliation includes any action against a Complainant, Respondent or other individual because the individual:

- Filed a complaint or was the subject of a complaint;
- Participated in the investigation or resolution of a complaint;
- Opposed conduct the individual believed was in violation of the Policy; or
- Associates with another individual who is protected from discrimination under the Policy.

Juilliard views retaliation complaints with great seriousness. All individuals are strongly encouraged to report any concerns about retaliation to the Title IX Coordinator or other designated School official as set forth in this Policy. Juilliard will respond immediately to any report of retaliation.

**False or Bad Faith Allegations:** An individual found to have made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action, up to and including termination of employment or dismissal from the School. Inconclusive findings based on a report of sexual misconduct or harassment or a finding that there has been no violation of the Policy, without more, will not result in a determination that allegations were made falsely or in bad faith.

**Anonymous Reporting:** Juilliard community members also have the option of making an anonymous report concerning an act of sexual misconduct or harassment. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. However, depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the School's ability to respond or pursue appropriate action. The School's response may be limited if information contained in the report cannot be verified by independent facts. Moreover, disciplinary action may not be able to be taken against an individual based solely on an anonymous report. A [form](#) which can be used for anonymous reporting can be found at the end of this document.

The Title IX Coordinator will review the anonymous report and determine any appropriate steps, including individual or community remedies as appropriate and inclusion of the incident in the daily crime log and annual security report as required under the Clery Act.

## **B. Coordination With Law Enforcement**

The School encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence and intimate partner violence that may also be crimes under New York law. The School will also assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The School's Policy, definitions and burden of proof may differ from New York criminal law. A Complainant may seek action under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Reporting and adjudication under this Policy and Procedure are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Initiating a report on-campus does not preclude, limit or require a student's or employee's access to the state and federal justice systems.

Notifying the local police department will generally result in the Complainant, and in some cases the Respondent, being interviewed by a police officer and by the district attorney's office, and a determination will be made as to whether a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will still receive an investigation and a response from Juilliard. In some instances, the School's investigation may be temporarily suspended while criminal investigators are gathering evidence; however, the School will resume its investigation as soon as practicable and will take interim measures to protect both the Complainant and the Juilliard community.

**The School process and the criminal justice process are two separate and independent courses of action.** If a Complainant wishes to file a report with the local police department, a trained Juilliard staff member is available to provide assistance and support. If a Complainant chooses not to file a police report, Juilliard will not file a police report about the incident unless compelling circumstances exist or unless Juilliard is required by law to do so. The School's response to a report is not impacted by the Complainant's decision to file a criminal complaint or the outcome of the criminal investigation. An act that is not criminally prosecuted may still be a violation of School policy.

## ADJUDICATION PROCEDURE

### A. Overview

Because sexual misconduct or harassment may involve a wide range of behaviors, the way in which a given case is best handled will vary. The adjudication process provides a number of options for those subjected to sexual misconduct or harassment. The option selected will depend on a number of factors, including the nature of the offense, the information available, the degree of confidentiality sought and the outcome desired by the Complainant.

A Complainant may request an informal or formal resolution to a report of sexual misconduct or harassment. An informal resolution focuses on stopping the harassing behavior without a formal investigation. It is remedies-based and seldom results in sanctions. The decision to pursue informal resolution may be made before, during or after a full factual investigation by the School. A formal resolution involves an investigation and may result in sanctions if sexual misconduct or harassment is found to have occurred. The choice of one type of resolution does not preclude employing the other type at the same time or at a later time. However, some methods of resolution, such as mediation, will not be used to resolve allegations of acts of sexual assault or sexual violence. Regardless of whether a Complainant wishes to pursue an informal or formal resolution, or ultimately chooses not to seek a resolution at all, the Coordinator will undertake an appropriate inquiry and take such action as is reasonably practicable to support and protect the Complainant and, if necessary, the Juilliard community.

Once a report or complaint of sexual misconduct or harassment has been received, the Coordinator or appropriate Deputy Coordinator will schedule an intake meeting with the Complainant to provide him or her with a general understanding of this Procedure and to identify forms of support and interim remedies available to the Complainant. The Complainant will be informed of the range of possible outcomes of the report, including disciplinary actions that might be taken against the Respondent as a result of the report. If criminal activity is involved, the Complainant will also be advised of his or her right to file a criminal complaint.

All parties involved in an adjudication procedure are required to keep information contained in the report or learned in connection with the report confidential. If documents are submitted by a party at any point in the adjudication process, no copies of the documents are to be made or shared with any third parties. All documents must be returned to the School at the conclusion of the adjudication process and any appeals. Any breach of this duty is subject to further disciplinary action by the School.

Where appropriate, Complainant and Respondent may be asked to sign a confidentiality agreement acknowledging this duty. The confidentiality agreement would not prevent Complainant or Respondent from discussing the facts underlying the report of sexual misconduct with counselors, other professionals or other individuals providing comfort and support, including friends and family. The confidentiality agreement would also require the parties to refrain from any retaliatory conduct against the other party or against any witnesses in the matter and acknowledge that they may be responsible for any retaliation by affiliated people, such as friends or family members.

## **B. Informal Resolution**

Informal resolution is a viable option when the parties desire to resolve the situation cooperatively or when a formal investigation is not desired. Informal resolution is a remedies-based approach designed to eliminate a hostile environment, without taking disciplinary action against a Respondent. Informal resolution may not be appropriate for all types of allegations. For example, reports of sexual violence or sexual assault may not be resolved by mediation and other restorative justice programming. The means for seeking an informal resolution will vary from case to case, but could include the following: (1) the direct approach, (2) third party mediation or (3) indirect action taken by the Coordinator or Deputy Coordinator. The informal process generally should not exceed 30 working days.

**Direct Approach by Complainant:** After a discussion with the Coordinator or other designated School official, a Complainant who feels comfortable confronting the Respondent may choose to take action personally. This direct approach may be appropriate when the goal is to stop the behavior rather than sanction the person accused of sexual misconduct or harassment. The direct approach might include the Complainant writing a letter to Respondent asking him/her to change his/her behavior. Another option might be telling the Respondent in person exactly what behavior is offensive and asking the Respondent to stop the behavior.

**Third Party Mediation:** This option involves having the Coordinator or other designated School official mediate between the Complainant and the Respondent, or asking the Coordinator to bring the Complainant and Respondent together informally to resolve the problem. This type of intervention may result in solutions such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, conducting targeted training or educational programs or providing remedies for the individual harmed by the sexual misconduct or harassment. If third party intervention is used, the Coordinator or other designated School official should conduct a follow-up review after a reasonable period of time to assure that the resolution has been implemented effectively.

**Indirect Action Taken by the Coordinator:** Alternatively, the Complainant may choose an indirect approach. This approach is intended to alter the Respondent's inappropriate behavior in such a way that the behavior stops without the Complainant having to take any action other than talking to the Coordinator or other designated School official. This option has the advantage of maintaining anonymity of the Complainant and Respondent. One example of indirect action is to have the Coordinator address a faculty and staff meeting covering Juilliard's Policy against sexual misconduct and harassment and/or reminding students, faculty and staff of their responsibility to foster an environment free of sexual misconduct, harassment and other forms of unlawful discrimination.

In cases where a Respondent may not have engaged in conduct in violation of this Policy and thus is not disciplined, or where a Complainant decides not to move forward with a complaint, the School reserves the right to take remedial action to educate the Respondent and enable the Complainant to pursue employment or educational opportunities unimpeded by the conduct that prompted the report of sexual misconduct or harassment.

## **C. Formal Resolution and Adjudication Procedure**

In response to reports of sexual misconduct or harassment in cases where informal resolution is inappropriate, such as when the facts are in dispute, when disciplinary action is sought, when the report involves sexual violence or sexual assault or in cases where informal resolution is unsuccessful, a

Complainant may request formal resolution. This option involves a hearing before a neutral panel of Juilliard staff members and/or faculty appointed by the School administration and may result in sanctions against the Respondent, ranging from a verbal warning up to and including termination of employment or dismissal from the School.

In most instances, formal resolution will be overseen by the Coordinator and will be completed within sixty (60) days of receipt of the complaint. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this Policy. In the event that the investigation and resolution exceed this time frame, the School will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

A summary outline of the sexual misconduct adjudication procedure can be found in [Appendix A](#) of this Policy.

## **1. Initiation of Complaint**

The formal resolution process is initiated by making a report of sexual misconduct or harassment to one of the individuals designated in the [Reporting Guidelines](#). A report can be initiated by any member of the Juilliard community or by the School. Juilliard reserves the right to investigate allegations of sexual misconduct or harassment in appropriate circumstances, even in the absence of a complaint or report filed pursuant to this Procedure. The School may conduct a prompt, impartial and thorough investigation to determine what happened and take action to resolve the situation.

Once a report of sexual misconduct has been made to the Coordinator and a determination has been made to pursue an investigation, the Respondent will be called to meet with an investigator, usually a Deputy Coordinator and, in the case of allegations against a student, may be temporarily suspended pending the completion of the preliminary investigation. The temporary suspension is non-punitive and will not become a part of the Respondent's permanent record. The length and nature of the suspension, if any, will depend upon the facts of the particular case. Allegations of sexual assault or violence will always result in suspension of the Respondent.

If a Complainant chooses to proceed, he or she will file a written complaint on the School's [Complainant Reporting Form](#) for Sexual Violence, Sexual Misconduct, Harassment or Other Unlawful Discrimination. The Coordinator or Deputy Coordinator will be able to answer any questions about the writing of the report. Provisions will also be made to facilitate the ability of non-English and limited-English speaking individuals to file a report and participate in the formal adjudication process, including engaging the services of a translator, if necessary. Under certain circumstances, the written report may be waived at the discretion of the Coordinator.

Among other details, the written report should include the following information:

- the name of the person accused of sexual misconduct or harassment;
- when and where the incident occurred;
- a description of the behavior;
- what effect the behavior had on the Complainant; and
- who witnessed the behavior, if applicable.

Once the formal complaint has been filed with the Coordinator, the Coordinator will acknowledge receipt of the report and provide a copy of it to the Respondent within five (5) business days. The Respondent will be given the opportunity to respond to the allegations in writing on a form to be provided by the Coordinator. At any time prior to the hearing, Respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual misconduct, or the Complainant may elect to withdraw the complaint and discontinue the adjudication process.

If the Complainant is under the age of 18 (a "Minor"), the parent or legal guardian of the Complainant will be informed of the filing. As appropriate, the parent or legal guardian will be kept informed of the status of the investigation and the resolution of the report. If a Minor has been a target of sexual misconduct or harassment based on sexual orientation or gender identity, the Coordinator or Deputy Coordinator will consult with the Minor to determine an appropriate way to inform the Minor's parent or legal guardian of the incident. **A Minor's sexual orientation and/or gender identity cannot be disclosed without the express permission of the Minor.**

## **2. Fact-Gathering Investigation**

With the oversight of the Coordinator, appropriately trained individuals designated by the Coordinator (the "Investigators") will conduct a full, fair and timely investigation of the report of sexual misconduct or harassment. The parties and all others participating in the investigation will be treated with sensitivity, dignity and respect throughout the investigative process.

The formal investigation generally will include interviews with the parties, interviews with any witnesses and a review of any relevant documents, including texts, e-mails and postings on social media. All participants in the investigation are required to present truthful and accurate information. Knowingly making false statements or presenting inaccurate information is unacceptable and will result in separate disciplinary action regarding that conduct.

The Investigators will give the Complainant and the Respondent an equal opportunity to be heard with respect to the report of sexual misconduct or harassment, to submit evidence and to present witnesses. Upon request, the Complainant and the Respondent may each have a support person present when he or she is interviewed. The support person can be anyone of the respective party's choosing and might include a family member, friend, colleague or community advocate. The support person may not speak on behalf of the party or otherwise participate in the adjudication process, but may be present for purposes of providing emotional support and guidance. Other witnesses may have a support person present at the discretion of the Investigators, as appropriate. Disclosure of facts to parties and witnesses will be limited to what is relevant and reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation. The investigation will be completed as promptly as practicable, generally within ten (10) to fifteen (15) business days. Given the availability of witnesses or complexity of

the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

At any time during an investigation, the Investigators may recommend that interim protections or remedies for the Complainant or witnesses be provided by appropriate Juilliard officials. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy.

### **3. Issuance of Investigative Report**

Upon completion of the investigation, the Investigators will compile a written report, setting forth the steps taken in the investigation and the Investigators' findings. The investigative report should include, among other things, summaries of the interviews with the parties and any third-party witnesses; other electronic, photographic or forensic evidence; an outline of the areas of agreement and disagreement between the parties; and a list of any facts which are not in dispute. A copy of the report will be made available to Complainant and Respondent, who will each be given the opportunity to respond to the report in writing.

The Investigators, in consultation with the Coordinator, will make a threshold determination as to whether there is sufficient information to suggest that a Policy violation may have occurred. If the threshold has been established and a determination is made that a hearing should be granted, notice will be given to both parties.

If a determination is made that this threshold has not been reached, the Complainant and Respondent will be notified in writing. A Complainant who is denied a formal hearing may appeal the decision to the Provost and Dean (for students and faculty) or the Vice President and Chief Operating Officer (for staff) within five (5) business days. The designated administrator may affirm the threshold finding, reverse the finding or remand the matter for additional investigation as warranted. The designated administrator will render a decision in writing to both parties within ten (10) days of receipt of the request for review. The decision of the appeals administrator will be final.

### **4. Pre-Hearing Process**

**Review of Documents:** On or before a date set by the Coordinator, the parties will provide the Coordinator with copies of any documents and descriptions of any other evidence they propose to present at the hearing. Copies of all documents and a description of any other proposed evidence to be presented will be reviewed for relevance and provided to each party. After the initial exchange of documents, each party will be given the opportunity to respond in writing to the evidence submitted by the other party and to introduce additional evidence in support of his or her response. Reasonable deadlines will be imposed during the exchange process depending on the facts and circumstances of the case.

**Relevance:** The Coordinator will review the investigative report, any witness statements and any other documentary evidence to determine whether the proffered information is relevant and material to the determination of responsibility, given the nature of the allegation. In general, the Coordinator may redact information that is irrelevant, more prejudicial than probative or immaterial. The Coordinator may also redact statements of personal opinion, rather than direct observations or reasonable inferences drawn from the facts, and statements as to general reputation for any character trait, including honesty.

**Prior Sexual History and Pattern Evidence:** Advance permission must be sought by either party seeking to bring forth information concerning the other party's prior sexual history, pattern evidence,

evidence of similar conduct, dishonesty related to accusations of sexual misconduct or a prior finding of a violation of this Policy. A request to admit such information must be submitted during the investigative phase, unless the information was not previously known to the parties. The Coordinator will determine the admissibility of such information.

In general, a Complainant's prior sexual history is not relevant. In a case where the Respondent raises consent as a defense, however, any prior consensual relationship between the parties may be deemed relevant to, although not determinative of, the manner and nature of communications between the parties. As noted in other sections of this Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any other prior sexual history of the Complainant is typically not relevant and will not be permitted.

Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, this information may be deemed relevant and probative in the determination of responsibility or in the assigning of a sanction if the previous incident was substantially similar to the present allegation or if information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Additionally, a prior finding of responsibility for a similar act of sexual misconduct is presumed to be relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction. The Coordinator will determine if the information concerning prior sexual history, pattern evidence or evidence of similar conduct is appropriate for inclusion at the hearing.

**Pre-Hearing Meeting:** Prior to the hearing, the Coordinator will schedule a meeting with each of the parties to review the hearing procedure, the complaint and the evidence submitted by the parties. The Coordinator reserves the right to redact from the proposed documents any information deemed inappropriate for or irrelevant to the hearing. Complainant and Respondent will be afforded similar and timely access to all information, including the investigative report, to be used at the hearing (consistent with FERPA and other confidentiality issues).

Should the complaint continue to the hearing stage, Complainant and Respondent will be informed of the right to deliver opening and closing statements of reasonable duration. Any opening statements must be submitted to the Coordinator for review at least 24 hours prior to the hearing. The Coordinator reserves the right to redact information contained in the opening statements where appropriate.

**Alternate Resolution:** At this stage, the Respondent may choose to accept responsibility for the charges in the complaint, or the Complainant may choose to withdraw the complaint and discontinue the adjudication process. Juilliard reserves the right to move forward with the disciplinary process even after a Complainant decides to withdraw. If the Respondent accepts responsibility for the charges in the complaint, the complaint will be referred to the Assistant Dean for Student Affairs (for students) or the Director of Human Resources (for faculty and staff) who, after consultation with the Coordinator, will impose an appropriate disciplinary sanction on Respondent.

## **5. The Hearing**

If the complaint is not resolved at the pre-hearing stage, the parties will be granted a formal hearing. Prior to the hearing, the panel will receive and review the investigative report and any other evidence presented by the parties.

Complainant and Respondent are **not** required to appear before the panel simultaneously, but may appear separately. Upon request, each party will be permitted to have an advocate or other support person present during his or her appearance before the panel. The advocate may not direct questions to the hearing panel, but may consult with the party he or she is assisting. Only panel members are permitted to ask questions of the parties. Should one of the parties be unable or unwilling to appear before the panel, arrangements will be made to allow the party to be heard by alternate means, such as by teleconference or contemporaneous alternative method.

Based on the investigative report and evidence presented at the hearing, the panel will determine by majority vote (applying a preponderance of the evidence standard) whether it is more probable than not that there has been a violation of the School's Policy against sexual misconduct and harassment. The panel may issue one of the following decisions:

- Information submitted to the panel established that Respondent did not violate Juilliard's Policy against sexual misconduct and harassment.
- Information submitted to the panel was inconclusive or insufficient to determine if Respondent violated the Policy.
- Information submitted to the panel established that Respondent violated the Policy.

## **6. Sanctions**

Based on the panel's findings, the panel will determine the sanctions to be imposed against the Respondent, which may include training or educational sanctions as well as disciplinary sanctions. Sanctions imposed by the panel will be determined on a case-by-case basis and will be dependent on the frequency and severity of the violation. The Coordinator will review the panel's decision and take reasonable steps to foster consistency for similar violations and circumstances within the Juilliard community.

### **Range of Sanctions:**

Possible disciplinary and remedial sanctions include, but are not limited to:

- A written warning placed in the Respondent's file
- Reassignment of responsibilities, if practicable
- Reassignment of housing or class scheduling, if practicable
- Probation
- Suspension from employment or academic program
- Termination of employment or dismissal from the School.

Training and educational sanctions might include one or more of the following:

- Active counseling (clinical and/or psychiatric as determined by practitioner)
- Alcohol abuse course
- Anger management course
- Assault prevention
- Community service
- Reflection paper
- Substance abuse treatment

- Sexual harassment sensitivity training
- Safe sex training

### **Application of Sanctions:**

The sanctions which may be imposed for each of the three possible panel determinations are as follows:

- **No Violation of Sexual Misconduct Policy**
  - No sanctions or disciplinary action
- **Inconclusive Findings**
  - No disciplinary action, although training or educational sanctions may be recommended
- **Violation of Sexual Misconduct Policy** (sanctions listed from least to most severe)
  - Verbal or Disciplinary Warning
    - a. This sanction is not part of a student Respondent's permanent record, but would be part of an employee Respondent's personnel file
    - b. May be combined with additional training or educational sanctions
    - c. May include workplace, academic or living adjustments
  - Disciplinary Probation
    - a. This sanction becomes part of a student Respondent's permanent record or an employee Respondent's personnel file
    - b. Must include additional training or educational sanctions
    - c. May include workplace, academic or living adjustments
  - Suspension
    - a. This sanction becomes part of a student Respondent's permanent record or an employee Respondent's personnel file
    - b. Must designate a time period
    - c. Must include additional training or educational sanctions
    - d. Must include conditions for returning to institution
  - Expulsion or Termination
    - a. This sanction becomes part of a student Respondent's permanent record or an employee Respondent's personnel file

### **7. Notice of Outcome**

The Coordinator will promptly notify the Complainant and Respondent in writing of the results of the hearing and any sanction imposed. The Coordinator will also keep the Complainant apprised, as appropriate, of any steps taken by Juilliard to prevent recurrence of the sexual misconduct or harassment and to correct its adverse effects on the Complainant and other members of the Juilliard community.

Both parties have the right to be informed of the outcome and essential findings. The Respondent will be fully informed of any sanctions. For reports involving sexual violence, the Complainant will also be fully informed of any sanctions. For all other reports under this Policy, the Complainant will be informed of only those sanctions that directly relate to the Complainant.

## 8. The Appeal

Both Complainant and Respondent are entitled to appeal the decision of the panel. A request for appeal by students or faculty members should be made to the Provost and Dean. Appeals by staff members should be made to the Vice President and Chief Operating Officer. All appeals must be made as soon as possible after the hearing and, absent extenuating circumstances, no more than three (3) business days after a decision has been rendered. The decision as to whether sufficient grounds exist for an appeal to be granted will be made in consultation with the Coordinator, and such decision will be final. An appeal may be granted only on one of the following grounds:

- Procedural error: Appealing party alleges that there was a deviation or change from the procedure outlined in the adjudication process which may have had a material impact on the outcome of the complaint.
- New evidence: Appealing party alleges that, subsequent to the hearing panel's determination, new evidence became available which could have had a material impact on the outcome of the complaint.
- Severity of penalty: Appealing party alleges that the sanctions imposed are either too severe or too lenient in light of the violation or are inconsistent with the type of sanctions imposed on others who were found to be responsible for substantially similar violations of the Policy.

If an appeal is granted, the complaint and any additional evidence submitted by the parties will be submitted to the Provost and Dean (for student and faculty appeals) or the Vice President and Chief Operating Officer (for staff appeals). Under most circumstances, the Provost and Dean or Vice President and Chief Operating Officer will make a decision based on the merits of the appeal. In some instances, the appeal may be remanded to a hearing panel for further consideration. On remand, the appeal may be heard by the original panel or by a new panel at the discretion of the Provost and Dean (for students and faculty) or Vice President and Chief Operating Officer (for staff) and the Coordinator. The decision on appeal will be final.

## 9. Remedial Action

There may be situations in which sexual misconduct or harassment is found not to have occurred (for example, where the conduct complained of involved an isolated incident or where the conduct is protected by academic freedom). This finding does not prevent the School from bringing to the attention of the Respondent that his/her conduct was deemed by the Complainant to be inappropriate or requiring the Respondent to undergo remedial training or education.

## RECORD KEEPING

The Coordinator will keep a confidential record of all reports, whether formal or informal. This information will be used by the Coordinator to monitor repeated complaints against the same individual and to document the incidence of sexual misconduct, harassment or other discrimination in the Juilliard community. In general, records should be kept for five years after the date the reported incident is resolved. Records may be maintained longer in cases where the parties have a continuing affiliation with the School, such as a continuing employment relationship or the continuing participation of a student in an academic program.

If the reported incident involves a criminal act, federal law requires the School to keep a record of the offense and to give timely warnings of any crime that may present an ongoing threat to the safety of the Juilliard community. The identity of the reporter will not be disclosed.

## OTHER AVAILABLE PROCEDURES

The procedures available under this Policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual misconduct, harassment or discrimination under state or federal law. Alternately, or in addition to using Juilliard's internal procedures and/or reporting to local law enforcement, a student or employee has the right to file a complaint of sexual misconduct or harassment with federal and state agencies that investigate discrimination charges. An external complaint must be filed directly with the appropriate agency. The agency also should be consulted concerning time deadlines for filing.

### **For students:**

Office for Civil Rights  
U.S. Department of Education  
New York Office  
75 Park Place, 14th Floor  
New York, New York 10007  
(212) 637-6466 or  
(800) 421-3481

### **For employees:**

U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004  
(800) 669-4000

Any other questions about this Policy and Adjudication Procedure should be addressed to the Coordinator or to the Office of Legal Affairs.

**NOTE:**

All members of the Juilliard community, including students, faculty and staff, enjoy significant freedom of speech protections guaranteed by the First Amendment of the United States Constitution. This Policy and Procedure is intended to protect members of the Juilliard community from discrimination, not to regulate protected speech. The Policy and Procedure shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. Consistent with principles of academic freedom, no provision of this Policy or Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state non-discrimination laws.

## **APPENDIX A: SUMMARY SEXUAL MISCONDUCT & HARASSMENT ADJUDICATION PROCEDURE**

- A. Filing of Complaint
  - 1. Complainant's Statement
  - 2. Confidentiality/ Non-Retaliation Acknowledgment
  
- B. Responding to Complaint
  - 1. Initial Meeting/ Confidentiality/ Non- Retaliation Acknowledgment
  - 2. Respondent's Statement
  - 3. Pre-Fact-Finding Resolution of Complaint/ Acceptance of Charges
  
- C. Fact-Finding Investigation
  - 1. Document Review
  - 2. Party Interviews
  - 3. Witness Interviews
  - 4. Expert Witnesses
  
- D. Investigative Report Issued
  
- E. Threshold Determination Reached
  - 1. If No, then Appeal to Provost and Dean (for students and faculty) or the Vice President and Chief Operating Officer (for staff)
  - 2. If Yes, then Notice of Hearing to Both Parties
  
- F. Documents Exchanged
  - 1. Investigative Report, Party Statements and Supporting Documents Distributed to Complainant and Respondent
  - 2. Parties Submit Responses to Documents
  - 3. Coordinator Reserves Right to Redact Information Outside Scope of Investigation
  
- G. Withdrawal/ Acceptance of Charges
  - 1. Complainant May Discontinue Process
  - 2. Respondent May Accept Responsibility
  
- H. Documents Submitted to Hearing Panel for Review
  
- I. Opening Statements (if any) for Hearing Submitted to Coordinator by Complainant and Respondent
  
- J. Hearing

- K. Filing Notice of Appeal
  - 1. Procedural Error
  - 2. New Evidence
  - 3. Severity of The Disciplinary Action
  
- L. Provost and Dean (for students or faculty) or Vice President and Chief Operating Officer (for staff or other employees) Evaluates and Finds Grounds/ No Grounds for Appeal
  
- M. Appeal Hearing
  
- N. Decision and Findings

This is the adjudication procedure under which allegations of sexual misconduct or harassment, including sexual assault, will be resolved within the School. This summary only addresses the internal process. Under ordinary circumstances, the adjudication process should be completed within 60 to 90 days of the receipt of a complaint of sexual misconduct or harassment.

## APPENDIX B: RESOURCES FOR VICTIMS OF SEXUAL ASSAULT OR VIOLENCE

Any student, employee (faculty or staff) or other member of the Juilliard community who is a victim of **sexual assault** or **violence**, is encouraged to **immediately** notify local law enforcement and/or seek immediate medical assistance.

Emergency Response	Health and Safety	Campus Assistance
<b>911</b>  <b>NYPD SEX CRIMES HOTLINE</b> 212-267-7273	<b>St. Luke's Roosevelt Hospital</b> 411 West 114 <sup>th</sup> Street 212-523-4728  <b>New York Presbyterian Hospital</b> 525 East 68 <sup>th</sup> Street 212-746-9414	<b>Juilliard Security</b> 212-799-5000, ext. 246 Rose Building   212-769-7442  <b>Health Services</b> 212-799-5000, ext. 282

### Confidential Resources and Support and Campus Reporting Options:

All members of the Juilliard community are encouraged to make a prompt report to local law enforcement *and* to Juilliard so that the School can take appropriate action. An individual seeking confidential support and resources without notifying the School may choose to contact one of the Confidential Resources listed below. These Confidential Resources can provide support and information to assist individuals in evaluating whether to make a report to the School. An individual who chooses to make a report of sexual assault or violence to the School should contact any of the Campus Reporting Options below. While the School recognizes that individuals may choose to report sexual assault or violence to *any* Juilliard employee, the School encourages reporting to the individuals designated as Campus Reporting Options, as these individuals have specialized training and experience in responding to allegations of sexual misconduct. In addition, all Juilliard employees are required to share any report of sexual assault or violence with the Title IX Coordinator to ensure an integrated and coordinated institutional response by trained personnel.

Confidential Resources & Support	Additional Resources, Support & Campus Reporting Options
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**Student Health Services** | 212-799-5000, ext. 282

**Student Counseling Services** | 212-769-3918

**Employee Assistance Program** | 888-293-5949

**Juilliard Security** | 212-799-5000, ext. 246

**Title IX Coordinator** | 212-799-5000, ext. 7447

**Assistant Dean for Student Affairs** | 212-799-5000, ext. 200

**Director of Human Resources** | 212-799-5000, ext. 355

**Associate Dean for Administration** | 212-799-5000, ext. 593

**V.P. for Library & Information Resources** | 212-799-5000, ext. 673

## **Other Resources for Victims of Sexual Assault:**

### **Safe Horizon Sexual Assault Hotline**

866-689-4357 (24 hour hotline)

[www.safehorizon.org](http://www.safehorizon.org)

The largest victims' services agency in the U.S., Safe Horizon offers assistance to victims through 57 program locations in New York City. Safe Horizon's Counseling Center specializes in treating traumatized victims of crime and abuse and provides comprehensive services to victims of sexual assault and rape.

### **Sanctuary for Families**

212-349-6009

[www.sanctuaryforfamilies.org](http://www.sanctuaryforfamilies.org)

Provides domestic violence victims and their families with shelter assistance, counseling and advocacy.

### **St. Luke's Roosevelt Hospital Crime Victims Treatment Center**

212-523-4728

[www.cvtc-slr.org](http://www.cvtc-slr.org)

Offers a full range of free services to victims of violence, including crisis intervention, individual, group, and family counseling, therapy and psychiatric consultation. Also provides legal services at no cost.

### **New York Asian Women's Center**

212-732-5230 (24 hour hotline)

[www.nyawc.org](http://www.nyawc.org)

Provides crisis intervention, safe shelter, counseling and advocacy, with specific emphasis on issues faced by Asian battered women.

### **New York City Anti-Violence Project**

212-714-1141 (24 hour hotline)

[www.avp.org](http://www.avp.org)

Provides services to gay, lesbian, bisexual and transgender victims.

### **Rape, Abuse and Incest National Network (RAINN)**

800-656-HOPE (24 hour hotline)

[www.rainn.org](http://www.rainn.org)

The nation's largest anti-sexual violence organization, RAINN operates the National Sexual Assault Hotline (800-656-HOPE and [online.rainn.org](http://online.rainn.org)) in partnership with more than 1,100 local rape crisis centers across the country. RAINN also carries out programs to prevent sexual violence, assist victims and ensure that rapists are brought to justice.

## APPENDIX C: REPORTING FORM

### THE JULLIARD SCHOOL COMPLAINANT REPORTING FORM FOR SEXUAL VIOLENCE, SEXUAL MISCONDUCT, HARASSMENT OR OTHER UNLAWFUL DISCRIMINATION

If you believe you have been a victim of sexual violence, sexual misconduct, harassment or other unlawful discrimination, you are strongly encouraged to bring it to the attention of the individual designated by Juilliard to coordinate its efforts to comply with federal laws governing sexual misconduct, harassment and discrimination (the "Title IX Coordinator" or "Coordinator") or other designated School official, as set forth in The Juilliard School Sexual Misconduct & Harassment Policy and Adjudication Procedure (the "Policy") in the Student, Faculty and Employee Handbooks.

This form is to be used for reporting to the Coordinator. While the School finds a written summary of the report to be helpful in the investigation, **you are not required to file this form in order to initiate a complaint or receive assistance.**

The Coordinator is available to provide you with answers to questions you may have about the process and your options, advice and/or referrals. **You are not obligated to provide your name;** however, disciplinary action cannot be taken against an individual based on an anonymous report. If you feel strongly about confidentiality, the Coordinator can put the person "on notice" and attempt to stop the behavior through an educational process on the law and the Policy and the inappropriateness of the person's conduct. Whatever your decision, the Coordinator or any other Juilliard officials designated in the Policy are available to assist you and provide guidance and support.

**Person filing report (optional):** \_\_\_\_\_

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Name of person accused: \_\_\_\_\_

Date(s) of alleged incident(s): \_\_\_\_\_

Location(s) of alleged incident(s): \_\_\_\_\_

Have you addressed your concerns with the person(s) whom you are accusing?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Have you reported this or similar behavior before? If so, please indicate to whom and when reported.

\_\_\_\_\_  
\_\_\_\_\_

Provide a detailed description of the incident, answering the questions who, what, when, where and how. Include all pertinent facts such as: what force, if any, was used; any verbal statements (i.e., requests, demands, threats, etc.); what, if any, physical contact was involved; what you did in response to the situation, etc. If applicable, you may also include a description of the impact the incident has had on you. You may use the back of this form or attach additional pages, if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify and provide contact information (if known) for all individuals who may have witnessed or otherwise have knowledge of this incident, including individuals you may have spoken to regarding the incident. State if they are students or employees. Briefly state what the persons are believed to know and how they came to know that information. Please state if you have any electronic communications (texts, e-mails, Facebook postings, etc.) relating to this incident. You may use the back of this form or attach additional pages, if necessary.

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What action would you recommend Juilliard take in response to this report?

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I hereby certify that the foregoing information is true, correct and complete to the best of my knowledge and belief.

Signature (optional):

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Date: \_\_\_\_\_

RECEIVED BY:

\_\_\_\_\_  
Employee name

\_\_\_\_\_  
Date

The Juilliard School is committed to a policy of equal treatment and opportunity in every aspect of its relations with its faculty, staff, students and other members of the Juilliard community, and does not discriminate on the basis of actual or perceived race; color; religion; creed; age; sex; national origin; alienage; ancestry; citizenship status; sexual orientation or preference; gender identity; physical or mental disability; medical condition; predisposing genetic characteristics; marital status; partnership status; past or present service in the uniformed services or application or obligation to serve in the uniformed services; status as a survivor of domestic violence, sex offenses or stalking; or any other basis prohibited by applicable local, state or federal law. This non-discrimination policy covers, but is not limited to, employee recruitment, hiring, training, benefits, rates of pay and other forms of compensation, as well as student admission, access and treatment in School programs and activities. Recognizing that sexual harassment constitutes discrimination on the basis of sex in violation of this policy, the School will not tolerate such conduct.

**You may mail this reporting form marked "Confidential" to the Title IX Coordinator:**

**Jennifer M. Awe**

**Dean of Student Affairs**

**60 Lincoln Center Plaza, Room 245E**

**New York, NY 10023**

**or submit by e-mail to [jawe@juilliard.edu](mailto:jawe@juilliard.edu)**