

EDP School Title IX - Q&A

Frequently Asked Questions

Q: If I file a report, do I have to request a formal investigation to be connected to resources?

A: No. You can request to be connected to campus and/or local resources as soon as you file a report or at any point in the process, regardless of if you request an informal or formal resolution.

Q: Will the Title IX Office reach out to the Respondent immediately after I file a report?

A: No. As soon as the Title IX Office receives a complaint, they will reach out to the Complainant to speak with them about campus and community resources and the Equity and Non-Discrimination Policy.

Q: Can I file a report without wanting to move forward with an informal resolution or formal investigation?

A: Yes. You can file a report and request to be connected to resources or to provide the Title IX Office with the report for record keeping purposes.

Q: What is the difference between making a report and a formalized complaint?

A: When you make an initial report or complaint, the Title IX office will reach out to you and review resources and your options within our process. If you decide you want to move forward with an informal or formal resolution, you will then sign the formalized complaint form. The formalized complaint form allows the school to initiate the resolution process.

Q: What if I make a report and it does not arise to the level of Title IX?

A: If you make a report about a behavior that does not arise to or fall under the behaviors covered by Title IX, it may be addressed through the Discriminatory Harassment Administrative Resolution Policy, or it may be referred to a different department that can appropriately address the reported behavior.

Q: I am hesitant to file a report because my friends and I were drinking on campus in someone else's room when something happened. Are my friends and I going to get in trouble if I include that information in my report?

A: No. There is an Amnesty Policy within the Equity and Non-Discrimination Policy that states that parties and witnesses who provide information about a reported behavior will not be disciplined by the school for any violation of the school's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Q: Will EDP School notify the NYPD when I file a report?

A: When you file a report with EDP School, the school does not notify the NYPD. If you wish to also file a police report, EDP School both the school process and the criminal justice process if you wish.

Q: The Equity and Non-Discrimination Policy shows two different formal resolution processes. I am confused which one my complaint falls under.

A: Reports of sexual harassment, sexual assault, dating or domestic violence, stalking, or sexual exploitation that involved students, faculty, and staff that fall within the scope of Title IX can be formally addressed through the Title IX Hearing process. Complaints that do not involve qualifying factors under Title IX may be addressed through the Discriminatory Harassment Administrative Resolution Process. Questions about which resolution process is applicable to your complaint can be addressed by a Title IX Investigator or the Title IX Coordinator.

Q: Is it true that with the 2020 New Title IX Regulations that EDP School will be required to dismiss any complaints that include conduct that occurred off campus or outside of EDP School activities?

A: The Title IX regulations require institutions to “dismiss” complaints that do not reach the threshold established by the law. However, the regulations do make very clear that institutions are fully able to assert jurisdiction over using their own institutional policies. EDP School will continue to address complaints that do not meet the Title IX threshold through the Institution’s Policy.

Q: Is it true that I can only file a complaint against another EDP School student?

A: You may file a complaint at any time regarding an individual affiliated or not affiliated with the School. However, if EDP School is not affiliated with the person who the complaint was submitted against (i.e. a non- EDP School student), the complaint cannot be actionable because EDP School has no ability to sanction a person who is not affiliated with us. However, EDP School has and will continue to accept reports against non-EDP School Respondents and provide Complainants with support and resources.

Q: How did the 2020 New Title IX Regulations change the definition of sexual harassment?

A: The new Regulations require colleges and universities to use the legal definition of sexual harassment to address Title IX cases. If a complaint does not meet the Title IX threshold of sexual harassment, it may be addressed through the Institution's Policies.

Q: How does the informal resolution process work? What is the difference between an informal resolution and a formal investigation?

A: In order to move forward with either resolution process, the Complainant must sign a formalized complaint. The informal resolution process does not include a comprehensive investigation, therefore, there is no determination if a policy violation did or did not occur. There are several different options for informal resolution, however, both parties must agree to the informal resolution. If either party is not amenable, then the informal resolution cannot occur.

Q: I read that in the 2020 New Title IX Regulations that mediation will be allowed in cases of domestic violence, sexual assault, and rape.

A: Mediation is considered a type of informal resolution, which can be requested by either party, and provided by an institution as a resolution option. However, there are several different options of informal resolutions and mediation is not required.

Q: I read in the 2020 New Title IX Regulations that if I file a formal complaint, I will have to attend a hearing with the other involved party and they will get to cross-examine me. Is this true?

A: If your complaint includes qualifying factors under Title IX and you request to move forward with the formal investigation process by signing a formalized complaint, a trained Title IX Investigator will interview all involved parties and witnesses. The Respondent and Complainant will be provided the opportunity to review all submitted evidence and each party's statements. After the investigative process is completed, a hearing will be scheduled. During the hearing, the Hearing Board Panel will ask questions of the Investigator, Respondent, Complainant, and any witnesses. The 2020 New Title IX Regulations require that each parties' advisor will have the opportunity to ask questions of the Investigator, Respondent, Complainant, and any witnesses. After each question is asked, the Hearing Board Chairperson will conduct a relevance determination to establish if the question can be answered as is, if needs to be re-worded, or if it cannot be asked. The advisors are required to ask questions for the sole purpose of cross-examination, and are not otherwise permitted to participate or contribute in the hearing process.

Q: If I agree to move forward with an investigation, how long can the investigation last?

A: The Title IX Office is required to document and process specific timeframes for each portion of the investigation and resolution processes. Per the Equity and Non-Discrimination Policy, an investigation can last around 60-90 days, but may last longer. Any delays will be communicated to the parties.