



International House Resident Member Sexual Misconduct Policy

1. Statement of Policy

International House is committed to maintaining a safe, supportive community for all its members that is supportive and free of bias, prejudice, and harassment. Violations of interpersonal integrity such as sexual harassment, misconduct and assault, stalking, discriminatory harassment, and bullying, are contrary to these values and will not be tolerated.

This policy prohibits Sexual Misconduct and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. Sexual Misconduct encompasses the following categories of prohibited conduct: Sexual Harassment as defined by Title IX regulations; Sexual Assault; Dating Violence, Domestic Violence; Stalking; and Sexual Exploitation.

2. To Whom This Policy Applies

This policy applies to I-House Resident Members (Resident Members). For sexual misconduct involving I-House employees, contractors, vendors, or third parties within I-House's control, contact the Office of Human Resources at hr@ihouse-nyc.org. This policy pertains to acts of Prohibited Conduct (except as expressly provided below) committed when:

1. the conduct occurs on I-House premises;
2. the conduct occurs off premises at an I-House program or activity,
3. the conduct occurs outside the context of an I-House program or activity, but:
 - (i) has or could have a significant impact on I-House premises or an I-House employment or program or activity, or
 - (ii) the conduct may have the effect of posing a serious threat to the I-House community.

3. Enforcement

A Resident Member determined by I-House to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action, up to and including termination of Resident Member agreement with I-House.

4. Prohibited Conduct

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Whether a Resident Member has violated this policy is determined based on all of the available facts and circumstances including but not limited to: statements of the Complainant and Respondent; statements by any witnesses to the alleged incident(s); documentary or physical evidence; the presence or absence of corroborating information; and relevant information about pre-and post-incident behavior and/or actions.

Prohibited Conduct includes the following specifically defined forms of behavior, as well as attempts to commit Prohibited Conduct:

- a. **Sexual Harassment:** Sexual Harassment is defined under this policy as conduct on the basis of sex that satisfies one or more of the following:
 1. An I-House employee conditions the provision of an aid, benefit, or service of I-House on an individual's participating in unwelcome sexual conduct; or

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the I-House's facilities or programs or activities; and
 3. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.
- b. Sexual Assault:** Sexual assault is having or attempting to have sexual contact with another individual without affirmative consent or where the individual cannot consent because of age or temporary or permanent mental incapacity. Sexual contact includes:
1. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (*e.g.*, penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight;
 2. sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification. Sexual touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.
- c. Dating Violence:** includes any act of violence committed by a person:
1. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 2. where the existence of such a relationship shall be determined based on the consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
- d. Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under New York state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under New York state law.
- e. Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.
1. Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.
 2. Stalking includes the concept of 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.
- f. Retaliation:** Retaliation means any adverse action, intimidation, threat, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a good faith report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated in any manner in any investigation, proceeding or hearing under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

Where a Resident Member is alleged to have retaliated, the Vice President for Programs & Resident Life will determine the appropriate procedures to be depending on the timing and circumstances of the allegation.

- g. Sexual Exploitation:** Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual's nudity or sexuality or taking advantage of another person's sexuality without Affirmative Consent, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:

- i. Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties);
- ii. Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent;
- iii. Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;
- iv. Exposing one's genitals to another person without affirmative consent;
- v. Prostituting another individual; or
- vi. Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

5. Complaint Procedure

- a. **Filing a Complaint:** An individual making a complaint of a violation of the Sexual Misconduct Policy by a Resident Member ("Complainant") should file their complaint with the Vice President for Programs & Resident Life and/or the Director of Public Safety either in-person (for employees VP People and Culture), via email, or through this **online form**. If the complaint is against an employee, contractor, vendor, or third party under I-House's control, the complaint should be filed with the Department of People and Culture **via email or this online form**.
- i. Depending on the nature of the complaint and the wishes of the Complainant, an informal resolution to the complaint may be sought and/or a disciplinary investigation will begin.
 - ii. I-House will follow the procedures laid out in the **Disciplinary Process**, while strictly following Resident Members' Sexual Misconduct Reporting Rights.
 - iii. I-House recognizes the need to afford those accused of misconduct due process and will conduct thorough, neutral investigations to the best of its ability.

I-House strongly encourages any individual who becomes aware of an incident of Prohibited Conduct involving an emergency to report the incident by contacting Public Safety at 212-316-8668 and/or 911.

- b. **Time Frame for Reporting:** Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible to maximize the I-House's ability to respond promptly and effectively, but there is no time limit on reporting. If the Respondent is no longer affiliated with I-House, I-House will still investigate the reported misconduct, provide reasonably available supportive measures, assist the Complainant in identifying external reporting options, and take reasonably available steps to address the reported conduct if after investigation the conduct is found to be a violation of this Policy.
- c. **Investigation:** Once I-House receives a report of prohibited conduct, it will begin an investigation of the alleged misconduct. Complainants may also seek counseling support through the office of Global Health and Wellness Services. I-House reserves the right to investigate and commence the disciplinary process if it learns of a possible violation of this Policy, independently (i.e., whether or not a complainant files a complaint) in cases of where the reported misconduct is particularly egregious.
- d. **Informal Measures:** Should the Complainant not wish to file a formal complaint, I-House can still offer supportive services, including but not limited to referrals to

counseling, negotiating no contact agreements, and facilitating a problem-solving agreement. All parties to a no contact or problem-solving agreement must all agree to create and write the terms of both the agreement and the consequences of violating its terms. At any time, a Complainant may decide to file a formal Complaint.

- e. **Resident Member Amnesty Policy:** I-House recognizes that Resident Members who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. I-House strongly encourages Resident Members to report incidents of Prohibited Conduct to I-House officials. I-House will not subject a bystander, Complainant, or other individual making a report who discloses any incident of Prohibited Conduct to I-House's officials or law enforcement to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the Prohibited Conduct.
- f. **Obligation to Provide Truthful Information:** All I-House community members are expected to provide truthful information in any proceeding. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. Attempts to improperly influence witness testimony is also prohibited and subject to disciplinary sanction.
- g. **Coordination with Law Enforcement:** A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, I-House will assist a Complainant in contacting law enforcement at any time. Under limited circumstances, including where there is a threat to health or safety of any I-House community member, I-house may independently notify law enforcement. An individual may make a report to I-House, to law enforcement, to neither, or to both. I-House's resolution process and law enforcement investigations may be simultaneously pursued but will operate independently of one another. I-House will, when appropriate, coordinate information with law enforcement if law enforcement is notified.
- h. **Confidentiality:** I-House will maintain the confidentiality of the complaint to the greatest extent consistent with its goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved. Effort shall be made to complete the investigation of a complaint in a timely manner.

6. Attending to the Needs of Those Reporting Sexual Assault

Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those making any other complaint, sexual assault complainants should, in addition to filing a complaint with I-House, report the assault to the police and pursue counseling and other services available through the Office of Global Health and Wellness Services or an outside counseling service of their choosing. Complaints should be promptly reported so that appropriate action may be taken in a timely manner.

XIII. Resident Members' Sexual Misconduct Reporting Rights

Under this policy, all Resident Members have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of Sexual Harassment, Domestic Violence, Dating Violence, Stalking, Sexual Assault, Sexual Exploitation, and Retaliation treated seriously.
3. Decide whether to disclose a crime or violation and participate in I-House's disciplinary process and/or the criminal justice process free from pressure by I-House.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from I-House courteous, fair, and respectful health care

- and counseling services, where available.
6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations.
 7. Describe the incident to as few I-House representatives as practicable and not be required to unnecessarily repeat a description of the incident.
 8. Be reasonably protected from Retaliation by I-House, any Resident Member, the Respondent, or any other party to a report or proceeding under this policy, and/or their friends, family and acquaintances within I-House's jurisdiction.
 9. Be accompanied by an advisor of choice who may assist and advise a Complainant or Respondent throughout the disciplinary process including during all meetings and hearings related to such process.
 10. Exercise reasonable civil rights and practice of religion without interference by the investigative or disciplinary process of I-House.

What to Do if You Are Sexually Assaulted

1. **Get to a safe place and call for assistance.** The police can be contacted by calling 911. The House Manager on duty can be reached at 212-216-5555 or x8448. The Director of Global Health and Wellness Services can be reached at 914-673-9010 and/or lpirro@ihouse-nyc.org. Members may also request that the House Manager on duty contact the Director of Global Health and Wellness Services in an emergency, 24x7. The Director of Public Safety can be reached at 212-280-7673. You can also call someone you trust such as a friend or your family. Do this even if you think you might have overreacted or feel embarrassed – if you feel in any way uncomfortable about the incident, contact someone.
2. **Seek medical attention.** If you have been physically assaulted or think you may have been, while intoxicated for example, it is important that you seek immediate medical attention. In addition to treating injuries, prompt medical examination can secure evidence that can be used later should you wish to have the assailant prosecuted. If you have been victim to an assault, you should not drink, bathe, douche, brush your teeth, change your clothing or comb your hair. You may want to do these things, but this will destroy evidence that can be used to prosecute the assailant. If changing clothes is necessary, clothing worn during the assault should be placed in a clean bag and sealed.
3. **Document the incident.** As soon as you can, write down every detail about the incident, including who was involved, what happened and when, where, and how the incident occurred. It is helpful to refer to those notes if being questioned on the matter later.
4. **Request counseling.** Do not hesitate to seek counseling by contacting the Director of Global Health and Wellness Services or any other counseling service of your choice. Counseling can help you cope with the experience of a traumatic event.
5. **Report the matter to the police.** In an emergency, dial 911. Otherwise, you can file a report with the police at the 26th Precinct at 520 West 126th St. between Old Broadway and Amsterdam Ave. (212-678-1311). The detectives can help you determine the avenues available to you under criminal law. If, in the future, someone else is victimized by that person and lodges a complaint, the police will be aware that there were prior complaints.

Sexual Misconduct Process Summary

1. I-House will investigate all complaints of sexual misconduct. Reports can be made to Public Safety, the Office of Programs & Resident Life, and/or via our online form. I-House also reserves the right to conduct investigations of sexual misconduct where it has received information and/or evidence of misconduct independent of the alleged victim.
2. All Resident Members who are subject of sexual misconduct complaints will be entitled to due process and an independent investigation into their alleged conduct.
3. I-House will fully cooperate with law enforcement investigations into sexual misconduct

allegations.

4. When requested by a complainant, I-House will facilitate voluntary problem-solving and/no contact agreements.