

**William Paterson University Policy  
Title IX Grievance Policy for Sexual Harassment Complaints**

<b>SUBJECT:</b>	University Policy	<b>TITLE:</b>	Title IX Grievance Policy for Sexual Harassment Complaints		
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## I. PURPOSE

William Paterson University (hereinafter “the University”) is committed to maintaining an academic and work environment for students, faculty, and staff, which is conducive to the achievement of educational and career goals on the basis of ability and performance. The University does not tolerate any form of sexual harassment or discrimination, and the University is committed to complying with all applicable regulations including Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. Similarly, the Clery Act (Campus SAVE) and the Violence Against Women Reauthorization Act of 2013 (VAWA) ensure prompt, fair, and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence, and domestic violence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy will specifically address incidents of sexual harassment as defined by Title IX.

The University strives to eliminate sexual harassment through education and encouraging students and employees (hereinafter “parties”) to report concerns or complaints. Parties who believe that they have been the subject of sexual harassment should follow the reporting procedures in this policy. Parties should report incidents of sexual harassment as soon as possible after the alleged incident because late reporting may impede the University’s investigation.

The University will respond to reported violations of Title IX by promptly taking effective steps to end the misconduct, prevent further violations, and remedy the effects of the violation on the Complainant and others, if appropriate. If the violation satisfies the elements of “covered sexual harassment,” the University will conduct a prompt, fair and impartial investigation. The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment in order to protect parties’ rights and the personal safety of members of the community. Where appropriate, the University will issue supportive measures, interim protections, and sanctions.

Students who are found to have violated this policy will be subject to disciplinary measures, up to and including dismissal from the University in accordance with the Student Code of Conduct and any other applicable policy. Employees who are found to have violated this policy will be subject to disciplinary action, up to and including termination in accordance with any applicable policies or procedures governing disciplinary action against faculty and staff. Guests and other third parties who are found to have violated this policy will be subject to corrective action deemed appropriate by the University, which may include removal from the campus and termination of any applicable contractual or other arrangements. In instances where the University is unable to take disciplinary action in response to a violation of this policy because a Complainant insists on confidentiality or for some other reason, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence. Any person who believes that they have been the subject of sexual harassment should follow the reporting procedures in this policy. Complaints should be filed as soon as possible after the alleged incident because late reporting may impede the University’s investigation.

Print copies of the Title IX Grievance Policy and Process for Sexual Harassment Complaints are available in the Office of the Vice President for Student Development, Human Resources, Office of Employment, Equity, and Diversity, Counseling, Health, and Wellness Center, Center for Diversity & Inclusion, University Police Department, and on the University’s website at:  
<https://www.wpunj.edu/employment-equity/title-ix/>

## **II. ACCOUNTABILITY**

Under the direction of the President, the Title IX Coordinator and Deputy Title IX Coordinator for Students (“Title IX Coordinators”) housed in the Office of Employment Equity and Diversity (OEED), have been empowered to implement and ensure institutional compliance with this policy.

## **III. APPLICABILITY**

The University may investigate any reported violation of this policy that occurs in the context of a University program in the United States when the alleged conduct, if true, would constitute “covered sexual harassment” as defined in this policy. The University may amend the Policy and Process from time to time. Nothing in the Policy shall affect the inherent authority of William Paterson University to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

## **IV. DEFINITIONS**

See Appendix A

## **V. BACKGROUND**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The US Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability equally to access our educational programs and opportunities.

On May 19, 2020, the US Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence);
- Addresses how the University must respond to reports of misconduct falling within that definition of sexual harassment and;
- Mandates a grievance process that the University must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

But under the Final Rule, the University must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule’s definition of sexual harassment must be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy. The University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, the University has:

- A [Student Code of Conduct](#) that defines certain behavior as a violation of campus policy, and a separate Student Sexual Misconduct and Non-Discrimination Policy that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.
- To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the University retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Sexual Misconduct and Non-Discrimination Policy and the [New Jersey State Policy Prohibiting Discrimination in the Workplace](#) (State Policy)<sup>1</sup> through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any Violation of the [Student Code of Conduct](#), employment policies, or any civil rights violation except as narrowly defined in this policy. This policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

## VI. REFERENCES

### **Title IX and Title IX Coordinator(s)**

Title IX of the Education Amendments of 1972 prohibits sex discrimination in education programs and activities at universities that receive federal financial assistance. Sex discrimination includes sexual harassment and other forms of sexual misconduct.

Title IX mandates the University to designate a Title IX Coordinator(s). The Title IX Coordinator(s) coordinates the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator(s) oversees the University's centralized response to all reports of sexual harassment to assure consistent implementation of this policy and ensure compliance with federal and state law. The Title IX Coordinator(s) and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options;
- Review applicable University policies to ensure institutional compliance with applicable federal and state law;
- Monitor the University's administration of its applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct and coordinate training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and sexual harassment as defined in this policy;
- Respond to any report regarding conduct that may violate this policy.

In this capacity, the Title IX Coordinator(s) shall oversee the formal grievance process of sexual harassment. For conduct that does not fall under the definition of a Title IX allegation, the University reserves the right to address the misconduct under applicable University policy and procedures.

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<sup>1</sup> Students may bring complaints under this policy when the Respondent is a University employee.

## **Clery Act and the Violence Against Women Act (VAWA)**

Separate and apart from Title IX, the Clery Act (Campus SAVE) and the Violence Against Women Reauthorization Act of 2013 (VAWA) ensure prompt, fair, and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence, and domestic violence. The Clery Act (Campus SAVE) requires William Paterson University to annually disclose select crime statistics, along with their campus safety policies and procedures. When the Reauthorized VAWA was signed into law in 2013, it amended the Clery Act by requiring colleges to compile statistics for incidents of sexual assault, intimate partner violence, and stalking.

Additionally, the VAWA amendments to the Clery Act (Campus SAVE) require colleges to follow specific procedures when investigating reports of such incidents. Those procedures include providing Complainants of such events with certain resource materials, providing education materials to incoming students and employees, and conducting ongoing awareness campaigns for current students and employees.

### **Annual Security Report (“ASR”)/Crime Statistics**

The University seeks to ensure the campus community is informed of all incidents that may impact their safety and security. The University issues the Annual Security Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The campus community is encouraged to report all crimes, whether actual, attempted, or suspected, and all emergency situations to University Police. Campus Security Authorities<sup>2</sup>, notified of VAWA related crimes, are required to report this information to University Police within 24 hours. University Police must then report VAWA related crimes to the University Title IX Coordinator(s). The University compiles and discloses statistics of reports of the types of crimes specified in the Clery Act for the campus and immediately adjacent areas.

### **Timely Warning and Emergency Notifications**

If the University determines that there is a severe and immediate threat to the campus community, the University Police Department may issue a timely warning to the community. Any such notification should not include any information that identifies any reporting parties. Under the Clery Act, the University is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.

## **VII. TITLE IX GRIEVANCE POLICY**

### **A. General Rules of Application**

#### **1. Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020 and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to

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<sup>2</sup> Campus Security Authorities is the VAWA name for Responsible Employees.

August 14, 2020, will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.

## **2. Revocation by Operation of Law**

Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Student Sexual Misconduct and Non-Discrimination Policy and the [State Policy](#).<sup>3</sup>

## **3. Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, affectional or sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. A violation of this policy may also be a violation of the New Jersey Law Against Discrimination (N.J.S.A.10:5-12), which makes it unlawful to subject people to differential treatment based on many categories, including sex, affectional or sexual orientation, and gender identity. Individuals who wish to file a complaint about the University's policy or process may contact the Department of Education's Office for Civil Rights using the contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### **B. Prohibited Conduct - "Covered Sexual Harassment" Under The Policy**

This policy governs "covered sexual harassment," which is defined under this policy to include: (1) Quid Pro Quo, (2) Unwelcome Conduct – Severe, Pervasive, and Objectively Offensive, (3) Sexual Assault, (4) Dating Violence & Domestic Violence (5) Stalking (6) Retaliation, and is defined as:

- 1. Quid Pro Quo (Employee Harassment)** - Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request, or conduct implies that a person will suffer adverse consequences from another person in an express or implied position of authority.
- 2. Unwelcome Conduct** - Conduct of a sexual nature or based on gender or sexuality that is severe, pervasive, AND objectionably offensive defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities or comments.
- 3. Sexual Assault** - Any sexual penetration, however slight, of a person without that person's consent. Any intentional, non-consensual sexual contact with an intimate body part of another or forcing another to have sexual contact with an intimate body part of oneself or another, with any object or body part, or any disrobing of another without consent.

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<sup>3</sup> Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.

4. **Dating and Domestic Violence** - Any action, statement, or use of force against a person where a previous or current personal, intimate, or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation) which includes physical, sexual, emotional, economic, and/or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, terrorizing, or threatening. Such behaviors may include threats of violence to one's self or one's family member.
5. **Stalking** - Purposefully or knowingly engaging in a stalking behavior directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person or suffer other emotional distress. Such stalking behaviors include but are not limited to alarming conduct, following a specific person or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety, or seriously annoy a reasonable person under similar circumstances.
6. **Retaliation** - These policies prohibit retaliation against any student, faculty, or staff member who, in good faith, alleges that they were the victim of sexual harassment, sexual misconduct, discrimination or harassment, or provides information in the course of an investigation; or is accused of violating Prohibited Conduct. No student who, in good faith files a report, provides information for an investigation, or testifies in any proceeding under these policies shall be subjected to an adverse employment or educational consequences based upon such involvement or be the subject of retaliation.

**Sexual misconduct that does not meet the definition of sexual harassment may be dismissed under this Policy and may be addressed under applicable University, state, and local policies.**

### **C. Confidentiality vs. Privacy**

References made to confidentiality refer to the ability of identified confidential resources not to report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and safety emergency or child abuse. References made to privacy mean the University's offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and seek a resolution and to notify the Title IX Coordinator or the Deputy Title IX Coordinator for Students who are responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator or Deputy Title IX Coordinator for Students determines that the request for confidentiality cannot be honored.

### **D. Disability Accommodations**

This policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator(s) at any point before or during the Title IX Grievance Process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

## **E. Covered Sexual Harassment Reporting Options**

The University encourages reporting of sexual misconduct, including sexual harassment. Members of the community are also encouraged to seek medical attention, if necessary, and take steps to preserve pertinent information. Preserving all information/evidence is essential for both law enforcement investigations and campus proceedings, should the student or employee wish to engage with law enforcement or the University. Therefore, any potential information or materials including, but not limited to, clothing, bed linens, voice messages, text messages, letters, emails, phone records, diary of incidents that occurred, and photographs should be preserved.

Parties who believe that they have experienced sexual harassment have the right to choose whether to report the incident to the University and law enforcement and have the right to decide whether to engage with the University once the University receives a report. The University will make every reasonable effort to safeguard the identities of parties who seek help and report incidents of sexual misconduct consistent with the applicable laws and regulations. To the extent possible, all publicly available information will be maintained without personally-identifying information. While steps are taken to protect the privacy of students and employees, the University may need to investigate an incident and take action once an allegation is known, whether or not a decision is made to pursue a report.

### **1. Reporting vs. Disclosure**

Parties may report and/or disclose allegations of sexual prohibited conduct. When community members report to the University, they are officially informing the institution of the occurrence and seeking supportive measures, which may result in a formal complaint and grievance process. When a student discloses the incident to University's offices and employees identified as confidential (Confidential Resources), they are seeking resources and accommodations for survivor support, which will not result in a formal complaint.

The University has adopted procedures for allegations governed by this policy, respectively containing, among other things: provisions on reporting, how to file a complaint internally or externally; supportive measures, the formal complaint and grievance processes, and investigating and adjudicating claims. See Title IX Grievance Process for Sexual Harassment Complaints.

### **2. Reporting to the University**

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

**Sobia Mahmood, J.D.**  
Director of Institutional Equity and Compliance/Title IX Coordinator  
358 Hamburg Turnpike  
Wayne, NJ 07474-091  
TitleIX@wpunj.edu  
973-720-2389

**Electronic Mail (24 Hours a Day)**  
[TitleIX@wpunj.edu](mailto:TitleIX@wpunj.edu)

**Online Incident Report (24 Hours a Day)**

[https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1)

**3. Reporting Anonymously**

Options for anonymously reporting incidents of sexual violence to William Paterson University officials are available here:

[https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1)

Anonymous reports will be reviewed by the Title IX Coordinator(s), but an anonymous report will NOT initiate the formal complaint or grievance process unless Title IX Coordinators are compelled based on known circumstances. The University's ability to address a report from an anonymous source is significantly limited.

**4. Reporting to Law Enforcement**

An individual who has experienced sexual harassment has the right to report, or to decline to report, sexual harassment to law enforcement. A report to law enforcement may initiate investigation and adjudication within the criminal justice system. A report to William Paterson University Police will result in a report to Title IX.

Sanctions in the criminal justice system are separate and distinct from university administrative sanctions and may involve probation/parole, incarceration, or other criminal penalties. To report an incident of prohibited conduct, please contact:

**William Paterson University Police Department**

(available 24 hours a day, seven days a week)

The first building on the left when using Entry One.  
Entry One is on Pompton Road near the Catholic Ministry Building.  
Emergencies: 911  
Non-emergencies: 973-720-2301

The University strongly encourages reporting of all incidents of sexual harassment or sexual misconduct governed by this policy directly to a University official, to the Title IX Coordinator, Deputy Title IX Coordinator for Students, designee, Responsible Employee, or to the Campus Police Department as promptly as possible so that the University can investigate and respond effectively.

Students may choose to report crimes of sexual violence to University Police, and/or the state or local police department or the county prosecutor's office where the incident(s) occurred. University Police officers are trained to assist victims of sexual assault, dating violence, and domestic violence.

University Police personnel are familiar with state and local law enforcement processes and can explain what happens when sexual violence is reported to law enforcement. University Police personnel may, upon request and availability, accompany any party requesting support to the local police department or prosecutor's office, though they cannot serve as a substitute for legal advice on these matters. Additional information about the University Police intake process can be found at <https://www.wpunj.edu/police/clery/Clery-Report19.pdf>

## **F. Confidential Disclosure and Resources**

### **1. Confidential Disclosure and Resources for Students**

Students also have the right to seek confidential resources and disclose allegations of sexual harassment and sexual assault to the University. Designated employees on campus have the ability to maintain a student's confidentiality. Confidential resources are located within Counseling, Health, and Wellness and the Women's Center.

Professional Counselor(s), the Campus Victim Services Coordinator, and designated members of the Women's Center staff are not obligated to file a report with the Title IX Coordinator, Deputy Title IX Coordinator for Students, or designee, and Campus Police, and can also assist with available resources, depending upon the circumstances.

### **2. Professional Counselors (available by appointment/walk-in during campus business hours)**

Professional, licensed counselors who provide mental-health counseling to students (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator and Deputy Title IX Coordinator for Students without the student's permission. To speak to a professional counselor, please contact:

#### **Counseling, Health, and Wellness Center**

Overlook South, 1<sup>st</sup> Floor  
Located between Matelson and White Hall  
Office: (973) 720-2257

The counselor is available 24/7 at this number for emergencies.

### 3. Resources for Student Respondents

Student respondents to sexual harassment or sexual misconduct allegations will be offered support through the Counseling, Health, and Wellness Center located in Overlook South.

Student respondents of sexual harassment or sexual misconduct allegations:

- Will be treated with fairness and respect.
- The University will ensure that its investigations and disciplinary proceedings comply with due process requirements.
- May seek academic or housing accommodations. When accommodations are related to problems related to the accusation, then Respondent may seek alternative transportation or work assignments.
- May consider seeking the assistance of an advisor or an attorney to assist in preparation of the case and/or accompany him/her to any related meetings or institutional proceedings.

### 4. Confidential Advocates (available during campus business hours)

The Social Worker for Student Support & Resources can speak with a student without revealing any personally identifying information about an incident to the University. A student can seek assistance and support from these individuals without triggering a university investigation that could reveal the student's identity or that the student has disclosed the incident. Any student, regardless of gender, affectional or sexual orientation, actual or perceived, or gender identity and expression, may speak with a confidential advocate, by contacting:

#### **Social Worker for Student Support & Resources**

Student Center Suite 117

Office: 973-720-2578

Theresa A. Bivaletz

Email: [bivaletzt@wpunj.edu](mailto:bivaletzt@wpunj.edu)

### 5. Services and Resources for Victims

The University will provide information about interim measures and accommodations only to those who need to know to make them effective. The University will inform the victim of their right to obtain a no-contact or restraining order. Further, the University will provide victims with contact information about existing services both on and off-campus, including counseling, health care, mental health, victim advocacy, and legal assistance.

Outside of the University, a victim may also be entitled to obtain remedies under applicable law, such as a restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies. Accommodations can also include,

- **Academic Schedule:** Request for change in academic schedule due to conflicts with a member of the class can be through the Office of Vice President for Student Development (973-720-2179).

- **Employment Concerns:** Request for change in an on-campus work assignment can be made through the Campus Victim Services Coordinator: (973-720-2578).
- **On-Campus Housing:** Request for alternative housing options can be made through the Office of Residence Life: 973-720-2714
- **Restraining Orders:** Restraining orders are available to victims of domestic and dating violence, and sexual violence. They may sought at a police department and/or Superior Court. See details in next section and Appendix F.

## 6. Domestic Violence

A domestic/dating violence victim, may be able to get protection in the form of a temporary restraining order that can later become final. A restraining order is a civil order from the Family Part of the Superior Court. It prohibits the abuser from having any contact with the victim, including over the telephone, in person, or electronically. A victim may seek a temporary restraining order at the police department 24 hours a day (including WPU Police Department) or in the town where a victim resides, where the act of domestic violence occurred, where the defendant lives, or where a victim is sheltered. In addition, a victim may seek a temporary restraining order at the Superior Court (during business hours) at 401 Grand Street, Paterson, NJ. See Appendix F – Additional Resources.

## 7. Sexual Violence

The Sexual Assault Survivor Protection Act provides greater protection to victims of sexual offenses. Protective orders are intended to provide safety to victims of a sexual offense. A victim of a sexual offense does not have to report the crime to the police. It is possible to receive a final protective order without ever speaking with the police. Victims may report the crime to the police, but it is not required. To apply for a protective order, you may visit the Superior Court (during business hours) at 401 Grand Street, Paterson, NJ. See Appendix E – Additional Resources.

## 8. Confidential Employees

Confidential Employees who receive a report of sexual harassment will discuss with the Complainant the available process for reporting it and request Supportive Measures on the Complainant's behalf without reporting the nature of the Sexual Assault. Confidential Employees will work with the Complainant to determine what information they are willing to share with others involved in securing Supportive Measures. Confidential Employees will also explain how sharing certain information with other people may trigger the obligation to investigate. Supportive Measures provided to the Complainant and Respondent will be kept confidential unless it would impair the University's ability to provide the Supportive Measures.

## 9. Responsible Employee

All William Paterson University employees (faculty, administrators, and staff) are considered Responsible Employees **EXCEPT:**

- **Counseling, Health, and Wellness staff,**
- **The Campus Victims Services Coordinator,**

- **Physical Plant Operations (“PPO”) non-management staff.**<sup>4</sup>

Certain student employees such as Resident Assistants, Peer Health Advocates, Peer Leaders, and

Student Patrol also are required to report incidents of sexual harassment to their supervisors who fall into this category of Non-Confidential Resources and will be required to report to the Title IX Coordinators.

A Responsible Employee who receives a report of sexual harassment is required to report to the Title IX Coordinator(s) all relevant details, including the name of the individual who made the report, the alleged Complainant (if different), and the alleged Respondent, any witnesses, and other relevant facts. The ability or obligation to report sexual harassment or to inform a parties how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to “institute corrective measures”.

This does not mean that the University will automatically initiate a Formal Complaint of the incident(s), but rather, the Title IX Coordinator(s) will assess the allegation(s) to determine whether the alleged conduct would present a potential violation of this Policy; determine how to respond to the report in a way that will stop and prevent recurrence of the alleged misconduct and provide Supportive Measures to the Complainant; determine whether further action from the Title IX Coordinator(s) is required based on the alleged conduct; assess any request for confidentiality or anonymity and invite Complainant to a preliminary interview to review allegation(s) and to discuss the Formal Complaint process.

To the extent possible, consistent with governing law and regulations, information reported to a Responsible Employee(s) will be shared only with people responsible for handling the University’s response to the report (Title IX Coordinators). A Responsible Employee(s) should not share information with law enforcement without the reporting parties consent or unless the reporting parties has also reported the incident to law enforcement.

## **10. Confidential Disclosure and Resources for Employees**

Employees seeking a confidential resource can contact the Employee Assistance Program at 1-800-242-7371 or <https://www.theeap.com/higher-education-eap>. The EAP is a service for William Paterson University faculty and staff and their household members. The EAP offers confidential short term counseling and referral for problems ranging from work-related concerns to personal difficulties that affect an individual's everyday life. Trained counselors help with problems such as career issues, child care, elder care, family and workplace relationship problems, finances, health care, mental health, retirement, substance abuse, and Work/Life balance.

## **11. Aggregate Data Reporting**

While maintaining a student’s confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the Title IX Coordinator and Deputy Title IX Coordinator for Students. This process of data sharing is known as aggregate data sharing. This limited report – which includes no information that would directly or indirectly identify the student – helps keep the Title IX Coordinator and Deputy Title IX Coordinator for Students informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

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<sup>4</sup> This is an illustration – not exact titles

Before reporting any information to the Title IX Coordinator and/or Deputy Title IX Coordinator for Students, these individuals will consult with the student to ensure that no personally identifying details are shared with the Title IX Coordinator and/or Deputy Title IX Coordinator for Students.

A student who speaks to a confidential resource must understand that, if the student wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused student. Even so, these counselors and advocates may still assist the student in receiving support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A student who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus request that the incident be investigated. These counselors and advocates will provide the student with appropriate assistance.

Upon request, a student also has the right to interim protections under Title IX, which applies regardless of whether they decide to formally report and/or participate in an investigation.

### **G. Supportive Measures and Interim Protections**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures and interim protections as appropriate from the University regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

#### **1. Supportive measures for Students may include, but not be limited to:**

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of class schedules
- Campus escort services
- Restrictions on contact between the parties (no contact orders)
- Changes in housing locations
- Leaves of Absence
- Increased security and monitoring of certain areas of the campus
- Assistance in arranging alternative University employment arrangements

#### **2. Supportive measures for Employees may include, but not be limited to:**

- Counseling
- Modifications of work schedules
- Campus escort services
- Restrictions on contact between the parties
- Increased security and monitoring of certain areas of the campus
- Assistance in arranging alternative University employment arrangements
- Assistance in arranging a meeting with the Employee Assistance Program (EAP)

#### **3. Interim Protections for Students**

Requests for interim protections, which may have an adverse impact on either Party, will be implemented by the Deputy Title IX Coordinator for Students or designee in collaboration with Student Conduct, Residence Life, and University Police as applicable.

Interim protections for students may include, not limited to:

- Mutual restrictions on contact between the parties
- Removal of Student Respondent
- Access Restrictions

#### **4. Interim Protections for Employees**

Requests for interim protections, which may harm either Party, will be implemented by the Title IX Coordinator or designee in collaboration with Human Resources, employee bargaining agreements, and University Policies as applicable.

Interim protections for employees may include, not limited to:

- Mutual restrictions on contact between the parties
- Removal of Employee Respondent
- Administrative Leave

#### **5. Emergency Removal of Student Respondent**

The University retains the authority to remove a respondent from University program or activity on an emergency basis. The University may remove a respondent on an emergency basis whether a grievance process is underway or not. Specifically, there must be an emergency situation “arising from” alleged conduct that could constitute sexual harassment.

An emergency removal is not limited to instances where the Complainant has reported an alleged sexual assault or rape, but could also be justified to address alleged severe, pervasive and objectively offensive verbal or online harassment. The identification of an immediate risk situation is not limited to the details of the alleged sexual harassment incident itself, but may also evaluate and respond to a respondent’s related post-incident actions or behaviors.

The University undertakes:

- Safety and Risk Analysis
  - The University will conduct a prompt safety and risk analysis to determine immediate risk based on the allegations of sexual harassment.
- Making a Determination
  - The University will determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal from the campus community
- Evaluate the applicability of disability laws to the removal decision
  - The University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, and applicable local and state laws.

- Supportive Measures
  - The University will consider the appropriateness of supportive measures in lieu of an emergency removal
- Respondent Appeal of Emergency Removal
  - The University will provide the Respondent with notice and an “immediate” opportunity to challenge the emergency removal.

## **6. Administrative Leave for an Employee Respondent**

The University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with federal and state laws and collective bargaining agreements.

### **H. Retaliation**

Retaliation against any person who files a complaint under the Title IX Grievance Policy and Procedures, or who provides information in the course of an investigation, or who opposes a discriminatory practice, is prohibited by the University and Federal law. No person bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse consequences in their employment or University academic programs or be the subject of other retaliation. Any employee or student who engages in such retaliation shall be subject to discipline by the University.

The University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, and Respondent, and any witness, except as permitted by the FERPA statute, 20 USC. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual or interfere with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, to interfere with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation. Intimidation, threats, coercion, or discrimination includes any charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

## **University Alcohol and Drug Amnesty for Students**

The health and safety of every student at William Paterson University is of utmost importance. A reporting student who is under the influence of alcohol or drugs at the time of prohibited conduct should not be reluctant to seek assistance for that reason.

William Paterson University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

William Paterson University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to William Paterson University officials in accordance with these procedures. A bystander acting in good faith, or a reporting individual acting in good faith, that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to William Paterson University officials or law enforcement will not be subject to Office of Student Conduct disciplinary process for violations of University alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## **I. Training**

Training will be conducted in compliance with the University's obligation under the Final Rules.

## **VIII. External Complaint Process**

In addition to following the University's internal procedures, a person has the right to file a complaint with federal agencies that investigate Sexual Harassment. An external complaint must be filed directly with the agency. The agencies should be consulted concerning time deadlines for filing.

Office for Civil Rights  
US Department of Education  
New York Office  
75 Park Place, 14th Floor  
New York, New York 10007-2146  
212-637-6466

Assistant Secretary  
U.S. Department of Education  
Office of Postsecondary Education  
400 Maryland Avenue, SW.  
Washington, DC 20202  
Main Telephone: 202-453-6914 or 1-800-872-5327 (toll-free)

## **IX. PROCEDURE(S)**

Procedures can be found in the accompanying document, **Title IX Grievance Process for Sexual Harassment Complaints**

## **X. EXHIBIT(S)**

### **Appendix A: Regulatory Framework**

**Americans with Disabilities Act (ADA) of 1990:** as amended in 2008, a "person with a disability" is someone with a physical or mental impairment that substantially limits one or more major life activities. A person is considered to be a person with a disability if s/he has a disability, has a record of the disability, or is regarded as having a disability. The University will make a "good faith" effort to provide reasonable accommodations to persons identified as having disabilities on a case by case basis.

**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act:** This federal law, passed in 1990, the "Clery Act" requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety through the publishing of an annual security report. Additionally, the act requires institutions to provide survivors of sexual violence with reasonable accommodations and assistance in reporting. The Clery Act requires institutions to outline specific policies and procedures for the prevention of sexual violence in their annual security reports.

**New Jersey Prevention of Domestic Violence Act:** of 1991, NJSA 2C:25-17 et seq.: Under this New Jersey law, domestic violence means the occurrence of one or more of the following criminal offenses upon a victim: Homicide, Assault, Terroristic threats, Kidnapping, Criminal restraint, False imprisonment, Sexual assault, Criminal sexual contact, Lewdness, Criminal mischief, Burglary, Criminal trespass, Harassment, Stalking, Criminal coercion, Robbery, Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense, Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," or Cyber-harassment.

- "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member, or any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant, or any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
- "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant, or has been previously declared by a court or an administrative agency to be emancipated.

**New Jersey Bias Intimidation:** (§1 - N.J.S.2C:16-1): A person is guilty of the crime of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5,

(1) with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or

(2) knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or

(3) under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that

(a) the offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity, or

(b) the victim or the victim's property was selected to be the target of the offense because of the victim's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

**New Jersey Law Against Discrimination:** (NJ - LAD): prohibits discrimination and bias-based harassment in employment, housing, and places of public accommodation, including schools, based on actual or perceived race, religion, national origin, gender, sexual orientation, disability, gender identity or expression and other protected characteristics. That means that you cannot be subjected to bias-based harassment from students or school staff in a way that creates a hostile school environment.

**Title VI of the Civil Rights Act of 1964:** prohibits discrimination based on race, color, or national origin in programs or activities which receive federal financial assistance. Programs or activities may include but are not limited to, admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, recreation, athletics, housing, and employment if it affects those who are intended to benefit from the Federal funds.

**Title IX of the Education Amendments of 1972 Sex Discrimination:** A comprehensive federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity.

**Violence Against Women Act (VAWA) Reauthorization Act of 2013:** This federal law requires colleges and universities to:

- a) Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates;
- b) Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- c) Adopt certain institutional policies to address and prevent campus sexual violence through the education and training of an institution's community.

**Family Educational Rights and Privacy Act (FERPA):** This federal law protects the privacy of student education records. The rule applies to all schools that receive funds under the US Department of Education's applicable program.

## **Appendix B: Definitions and Key Terminology**

**Advisor:** is a person chosen by each of the Complainant and Responding Party who is permitted to accompany the Complainant and Responding Party respectively to any meeting or disciplinary proceeding (including, but not limited to, fact-finding investigations, formal or informal meetings, hearings, and mediation sessions). An advisor is an individual (friend, parent, attorney, or anyone else) who provides the Complainant and Respondent respectively with support, guidance, or advice. The role of the advisory will vary depending on which grievance process is being followed.

**Accommodations:** are reasonable accommodations and protective measures to survivors, whether or not the individual decides to report to law enforcement or the University. It clarifies the types of accommodations and measures a school can provide, including changes to the survivor's academic, living, transportation, or working situations.

**Actual Knowledge:** means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator, Deputy Title IX Coordinator for Students, or any official of the University who has authority to institute corrective measures on behalf of the University.

**Appeal Officer:** is the designated official to review appeals, based on established grounds, from students after a determination of responsibility or sanctioning has been determined.

**Bystanders:** play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.

The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do, even if they want to help.

Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911 if a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students. If you see someone who looks like they could be in trouble or needs help, ask if they are okay.
- Confront people who seclude, hit on, and attempt to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in these policies for support in health, counseling, or legal assistance.

**Consent:** is defined as informed, voluntary, and mutual and may be withdrawn at any time. Consent is not obtained with an express or implied force, coercion, intimidation, threat, or duress. Consent to a sexual act must be expressed, and be fully informed and a freely decided choice to participate in sexual contact or intercourse. Consent cannot be assumed or implied by silence or the absence of physical or verbal resistance. Consent is an affirmative, unambiguous, and conscious decision. Consent to one type of sex act does not imply consent to other forms and must be ongoing throughout a sexual encounter. Past consent to sexual activity does not imply ongoing future consent with a person or consent to the same activity with another person. If a person is mentally or physically incapacitated or impaired so that a person cannot

understand the fact, nature, or extent of the sexual situation, there is no consent. This includes incapacitation by the use of alcohol and drug consumption or being asleep or unconscious. Generally, the age of consent in New Jersey is 16. Please refer to NJ State Law for full consent and statutory rape laws.

The following actions render consent null:

- **Coercion:** Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Coercion renders an individual unable to consent.
- **Force** is the use or threat of physical violence to overcome an individual's freedom of will to choose whether to participate in sexual contact. Force renders an individual unable to consent.
- **Incapacitation:** A person who is incapacitated is not capable of giving valid, affirmative consent. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why, or how of the sexual activity. A person may be incapacitated as a result of a temporary or permanent mental or physical condition, sleep, or unconsciousness. A person may be incapacitated as a result of the consumption of alcohol or drugs. A person who is not incapacitated at the beginning of the sexual activity may eventually reach a state of incapacitation as the activity progresses due to alcohol or drug intake prior to or during the activity. Incapacitation is a state of impairment significant enough to render a person unable to understand the fact, nature, or extent of the sexual activity. For the purpose of this policy, the standard that shall be applied is whether or not a reasonable person would have known, based on the facts and circumstances presented, that the other person was incapacitated and, therefore, not capable of giving consent.

**Complainant:** For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**Consensual Relationships:** Consensual relationships are romantic and sexual relationships between two or more individuals entered into with the consent of both parties. Consensual relationships between University employees and students, even with students who are not subject to direct supervision or evaluation by the faculty or staff member, should be avoided because they may negatively impact the learning environment.

**Dating Violence:** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence:** is violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Education Program or Activity:** includes any on-campus premises; any off-campus premises that William Paterson University has substantial control over, this includes buildings or property owned or controlled by a recognized student organization and; activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of William Paterson's programs and activities over which the University has substantial control.

**Employee:** An individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties. The individual may be referenced as a worker.

**Exculpatory evidence:** is favorable to the respondent in an investigation or grievance process that exonerates or tends to exonerate the respondent of responsibility of the allegation.

**Extenuating Circumstances:** providing a partial justification or excuse for something.

**Formal Complaint:** for the purpose of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within William Paterson University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

**Inculpatory evidence:** is evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt.

**Intimidation:** An expression through words or acts that implies a threat. Inculpatory evidence: is evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt.

**The Preponderance of the Evidence:** A standard of proof in which the totality of the evidence demonstrates that an individual's version of events more likely than not occurred. The preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility (51% or greater). The preponderance of the evidence standard is utilized in the University investigation, adjudication, and grievance processes.

**New Jersey Rape Shield Law (N.J.S.A. 2C:14-7):** A law that restricts the introduction of evidence of the Complainant's prior sexual behavior by identifying the limited circumstances when such evidence may be

admitted. This law is intended to both protect the Complainant's privacy as well as to prevent prejudice that would result from introducing such information.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment and sexual misconduct.

**Responsible Employees:** A university employee who has the duty to report allegations of sexual harassment or sexual misconduct made by students to the Title IX Coordinator and Deputy Title IX Coordinator for Students, or who a student could reasonably believe has this authority or duty.

**Sexual Assault:** Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the Rape of both males and females.
  - Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, define as Statutory Rape.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

**Sexual harassment:** ("Covered Sexual Harassment"): (1) Quid Pro Quo (Employee Harassment) (2) Unwelcome Conduct – Severe, Pervasive, and Objectively Offensive, (3) Sexual Assault (3a) Dating Violence, (3b) Domestic Violence, (3c) Stalking.

Conduct on the basis of sex that satisfies one or more of the following: (1) an employee of the institution conditioning the provision of aid, benefit or service of the college on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it denies a person access to the institution's education program or activity; or (3a) "sexual assault" (as defined in the Clery Act), (3b) "dating violence," (3c) "domestic violence," or (3d) "stalking" as defined (all as defined in VAWA).

**Sexual Misconduct:** A broad term that identifies forms of discrimination and harassment based on sex, including sexual exploitation, non-consensual sexual contact, gender-based harassment, stalking – including cyberstalking. Sexual misconduct includes other acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, even if those acts do not involve conduct of a sexual nature.

**Sexual Intimidation:** Refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection, such as threatening to sexually assault another person or engaging in indecent exposure.

**Sexual contact** is an intentional touching by a person, either directly or through clothing, of another's Intimate Body Parts for the purpose of degrading or humiliating another or sexually arousing or sexually gratifying the actor.

**Sexual penetration:** includes vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor's instruction.

**Sexual violence:** the collective term used to describe all forms of physical, sexual misconduct (sexual assault), dating/domestic violence, stalking, and sexual harassment.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition, stalking includes —

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**Student:** The University recognizes as a student individuals who have accepted an offer of admission and who have a continuing relationship with the University, including taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional studies, or continuing education or any individual who has completed the following:

- Paid a tuition deposit indicating "intent to enroll";
- Registered for credit-bearing courses; and
- Arrived on campus to begin the semester/term. This definition includes individuals who arrive at campus prior to the start of the semester/term for recognized University functions including but not limited to student employment; training; athletics; and participation in the summer program.

Students who withdraw from the University after an alleged violation of the Equal Education and Non-Discrimination Policy for students will be required to respond to the allegations upon readmission to the University.

Students who withdraw from the University after allegedly violating the Student Code of Conduct remain subject to the Code and its disciplinary action until the matter has concluded regardless if they have a continuing relationship with the University.

**Third Party:** includes individuals who are neither Students nor Employees, including but not limited to contractors, guests, vendors, and consultants.

**University Hearing Board Member(s):** includes any faculty or professional staff member at the University designated and trained by the Office of Employment, Equity and Diversity, and Office of Student Conduct to conduct Title IX, sexual harassment, and sexual misconduct formal hearings.

**Quid Pro Quo:** (Employee Harassment): A University employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment).

## **Appendix C: Range of Sanctions for Student Respondent**

The following sanctions may be assigned for violations of the Student Code of Conduct. All result in written notifications being placed in the student's disciplinary file, either in the Office of Student Conduct or in the Office of Residence Life. These sanctions may be imposed separately or in conjunction with other sanctions. Please note that a student's cumulative conduct history, as well as the sanctions assessed to other students in similar cases, will be considered for the assignment of sanctions.

1. **Official Warning** — The student receives notification from the Director of Student Conduct or designee, indicating that a violation of the Student Code of Conduct has occurred and warning that any subsequent violation may be treated more seriously.
2. **Educational Sanctions** — Educational sanctions may be imposed in an effort to promote student learning about a particular topic or policy violation. For example, students may have community service projects or educational workshops assigned.
3. **Restitution** — The student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of violations of the Student Code of Conduct.
4. **Order of No Contact** – The student and their friends and acquaintances may be restricted from having any contact with another member of the University community. This sanction can include but is not limited to the exclusion from any University building or property, communication restrictions involving the University member, whether on University property or not, and placing responsibility on the student and their friends and acquaintances to maintain the communication restriction regarding the designated University member.
5. **Building Restrictions** – The student may lose access privileges into any university building, including one or several residence halls, when the behavior exhibited inside such a location has caused a safety concern.
6. **Campus Life Probation** – A defined period of time whereby any registered student is given an opportunity to modify behavior or risk more severe sanctions. Any subsequent violation of the Student Code of Conduct, while on Campus Life Probation, may result in further disciplinary action.
7. **Disciplinary Probation** — A student on disciplinary probation is no longer in good standing with the University. The student cannot be an officer of recognized student organizations, serve as a representative of the University, or participate in intramural, club, or intercollegiate sports for a period of time. [The minimum time is one semester. The maximum time is four semesters.] Any violation of the Student Code of Conduct by the student during the time he or she is on disciplinary probation may result in suspension or expulsion from the University.
8. **Administrative Relocation** – The student can be required to relocate to a new housing assignment during or after the conclusion of the hearing process. This sanction is utilized to ensure the safety and peace of mind of the residential community at the discretion of the Director of Student Conduct or Office of Residence Life. The student is responsible for any charges that may result from relocating from one residence hall to another.

9. Loss of Campus Housing – The student may not reside in, visit, or enter any of the residence halls on campus. This includes entrances, foyers, lounges, rooms, hallways, and common areas. The student is not entitled to any refund of campus housing and meal plan fees after the scheduled refund dates.

10. Suspension from the University — The student may not be a registered student, be present on campus, or attend University sponsored events for any reason while suspended from the University. The minimum length of a suspension is one semester; there is no maximum. The student is not entitled to a refund of any tuition or fees after the scheduled refund dates.

11. Expulsion from the University — The student may not ever again be a registered student, be present on campus, or attend University-sponsored events. The student is not entitled to a refund of any tuition or fees after the scheduled refund dates.

If good cause exists, as determined by the Director of Student Conduct or designee and in consultation with appropriate University officials, any and all of the above sanctions can be imposed on the student on an interim basis pending an investigation, hearing, and final resolution of any pending charges.

## **Appendix D: Range of Sanctions for Employee Respondents**

Range of Sanctions that may be imposed on Employee Respondents found responsible:

Employee Counseling - Informs the employee of the need to correct his/her behavior to comply with rules and performance. Advises employees of potential disciplinary action(s) if the unacceptable conduct or performance is repeated.

Written Reprimand - A written notice to the employee that the conduct or performance is unsatisfactory for a specific reason. The notice must state that it is a reprimand and should warn the employee that any recurrence may result in more severe disciplinary action, including, where appropriate, the possibility of separation from employment with the University.

Fine (s) – Fines can be imposed as a means of restitution or in lieu of a suspension without pay where attendance is at issue.

De-tenure

Demotion – A downgrade in the title.

Removal/Termination

Removal – Permanent separation from employment.

Record Suspension

Suspension without Pay

## **Appendix E: Additional Resources**

A pamphlet containing a list of the additional resources described herein is provided, in writing, to individuals when they report that they have been involved in a situation involving sexual misconduct.

### **24-Hour Hotlines:**

Passaic County Women's Center has a 24-hour hotline, which provides information about emergency housing, medical assistance, and a full range of crisis services to victims. Services are provided to any individual who is a survivor of domestic violence and/or sexual assault, or who is a person of support to a survivor of domestic violence and/or sexual assault regardless of sex, gender, gender identity, race, ethnicity, religion, sexual orientation, economic status, or immigration status: 973-881-1450

- New Jersey Statewide Domestic Violence Hotline: 800-572-7233
- New Jersey Coalition Against Sexual Assault Hotline: 800-601-7200

**Comprehensive Services:** The Passaic County Women's Center (PCWC), located at 1027 Madison Avenue in Paterson, New Jersey, is the domestic violence and sexual violence service provider in Passaic County. PCWC offers a 24-hour hotline, emergency and transitional housing for victims of domestic violence and/or sexual violence, individual counseling, group counseling, court preparation, accompaniment to hospitals, court, law enforcement agencies, or social service providers. All services provided by Passaic County Women's Center are free and confidential and are provided to any individual who is a survivor of domestic violence and/or sexual assault, or who is a person of support to a survivor of domestic violence and/or sexual assault regardless of sex, gender, gender identity, race, ethnicity, religion, sexual orientation, economic status, or immigration status. The Passaic County Women's Center provides services in English, Spanish and Arabic and can make arrangements via the use of the Language Line to meet communication needs for speakers of more than 140 languages.

**Domestic Violence Response Team (DVRT) Program:** This program is state-mandated to assist law enforcement in handling cases of domestic violence so that each victim can receive the specialized information and support that they deserve. When a victim of domestic violence seeks the assistance of the University Police (or their local police departments), they are offered the services of a DVRT volunteer advocate. In a manner that is designed to maintain confidentiality to the extent allowed by state and federal law, DVRT volunteer advocates will provide victims of domestic violence with immediate support at the moment of crisis and provide all available information regarding the law, safety options, and available resources.

**Financial Aid Questions:** For financial aid concerns, contact the University Office of Financial Aid: 973-720-3945

**Legal Services:** For legal assistance, including assistance with immigration & visa concerns, contact Northeast NJ Legal Services. Paterson office: 152 Market Street, 6th Fl., Paterson, NJ: 973-523-2900

**Medical/Psychological Support:** The William Paterson University Counseling, Health & Wellness Center maintains a goal of providing clinical, educational, and outreach services to William Paterson University students. Counselors will maintain confidentiality, help explain possible options and provide information and emotional support.

- Appointments: 973-720-2360
- After hours of psychological emergency: 973-720-2257

**Passaic County Prosecutor's Office of Victim-Witness Advocacy:** Provides information, advocacy, emotional support, and referrals to victims and witnesses coping with the trauma and burdens experienced in the aftermath of crime. The office strives to minimize the inconvenience to victims and witnesses during the course of criminal prosecution. To contact an advocate: 973-881-4887

**Planned Parenthood:** Provides testing and services for pregnancy and for sexually transmitted infections, as well as a range of services for men's and women's health care. Paterson Location: 680 Broadway, Paterson, NJ, 973-345-3883

**SAFE WALK/Transportation:** William Paterson University provides an escort service to accompany any student, faculty, or staff member to their destination during specific hours. To request this service, please call 973-720-7400. Victims in danger may seek University Police escort 973-720-2301. Additional transportation assistance can be requested through the Campus Victim Services Coordinator.

**Sexual Assault Response Team (SART) and Sexual Assault Nurse Examiner (SANE) Programs:** The SART/SANE programs are state-mandated and utilize a victim-centered approach to sexual assault cases. When a person goes to a SART/SANE designated hospital or is transported to one, a team consisting of a trained police officer, a victim advocate, and a forensic nurse with specialized training in interviewing, documenting injury and collection of evidence, respond to assist the victim. These teams are on-call 24-hours a day. The SART/SANE Programs maintain confidentiality to the extent allowed by state and federal law.

*SART/SANE designated hospitals in Passaic County include:*

1. St Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ 07503
2. Chilton Memorial Hospital, 97 West Parkway, Pompton Plains, NJ 07444
3. St. Mary's Hospital, 350 Boulevard, Passaic, NJ 07055

**University Police:** University Police are available at all times. For emergencies, call 911. For non-emergencies, call 973-720-2300. The University Police is located on campus and is in the first building on the left when using Entry One (on Pompton Road near the Catholic Campus Ministry Building).

## Appendix F: Prevention Bystanders

**Bystanders:** play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.”

The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do, even if they want to help.

Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911 if a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students. If you see someone who looks like they could be in trouble or needs help, ask if they are okay.
- Confront people who seclude, hit on, and attempt to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in these policies for support in health, counseling, or legal assistance.

## Appendix G: Prevention Education for Students

William Paterson University is firmly committed to providing students with information and programming that will assist in making healthy choices and wise decisions. To this end, we require all incoming undergraduate students to complete the following program:

- **Not Anymore:** Sexual Violence Prevention Training. This online program is an interactive course designed to help change student behaviors on campus and better prevent sexual assault, dating, and domestic violence, and stalking. These acts are often preventable through proper and timely education and bystander intervention.

In addition, at the start of each academic year, all incoming students are asked to attend:

- **Choices:** a play about Living and Learning at WP. Choices is a live performance of scripted scenes illustrating situations in which students are faced with making personal choices about who they are and what they stand for while in college. The program is performed by the Peer Health Advocates and presented to all new students on Welcome Day. It covers topics such as alcohol and drug use, suicide, and gender-based violence. Health education, prevention tips, and resources are provided with each topic to promote healthy decision-making and educational awareness.

The Department of Athletics participates in a program specially designed for collegiate athletics. In addition to being trained by the Title IX Coordinator and/or Deputy Title IX Coordinator for Students on issues, related to gender-based violence and reporting such incidents, coaches and student-athletes take part in:

- **SCORRE:** Strength in Coaching on Relationships, Respect & Equality. SCORRE is a program that helps coaches and student-athlete leaders mentor their teams to promote a healthy and respectful team culture. SCORRE focuses on relationship skills. This includes healthy and respectful ways to work together and interact with each other not only within the team culture but also with people outside the team such as classmates, friends, parents, professors, other administrators, and especially dating/hook-up partners. Participants are trained on the topics of Integrity & Accountability, Language, Communicating Respect, Understanding Consent, and The Three Ds of Bystander Intervention. SCORRE was developed by staff and faculty at Princeton University.

William Paterson University also offers various programming and initiatives throughout the academic year. The Women's Center; the Counseling, Health, and Wellness Center, and other departments sponsor events during Domestic Violence Awareness Month, Sexual Assault Awareness Month, and all themed celebration weeks in collaboration with Campus Activities, Service, and Leadership. Events such as *The Clothesline Project*, *Take Back the Night*, and *It's On Us* occur on an annual basis. William Paterson University utilizes the theme of *Voices Against Violence* in various educational programming offered by the Peer Health Advocates and the Campus Victim Services Coordinator.

### **Voices Against Violence**

Voices Against violence is a workshop developed by Campus Victim Services and Counseling, Health & Wellness in consultation with Alteristic, a violence prevention education organization. This bystander intervention workshop follows best practices in challenging and changing attitudes about gender-based violence. It will help members of our campus community understand WHY intervention is necessary, HOW intervention can positively impact communities, and WHAT to do in cases in which you witness gender-based violence ranging from sexist jokes and victim-blaming to physical assaults.