

# William Paterson University

## Student Sexual Misconduct and Non-Discrimination Policy (Non-Title IX)

<b>SUBJECT:</b>	Non-Discrimination and Anti-Harassment	<b>TITLE:</b>	Student Sexual Misconduct and Non-Discrimination Policy (Non-Title IX)	
<b>CATEGORY: Check One</b>	<b>Board of Trustees</b> <input type="checkbox"/>	<b>University</b> <input checked="" type="checkbox"/>	<b>Functional</b> <input type="checkbox"/>	<b>School/Unit</b> <input type="checkbox"/>
<b>Responsible Executives:</b>	Vice President of Student Development		<b>Responsible Office:</b>	Office of Institutional Equity and Diversity Office
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## Statement of Non-Discrimination and Anti-Harassment for Students

William Paterson University (the University) expects that all relationships among individuals in the University will be professional and free of discrimination, sexual violence, bias, prejudice, and harassment. The University is committed to cultivating an environment that is safe, secure, equitable, and inclusive.

The University provides equal educational opportunity and prohibits discrimination, harassment, and retaliation based upon a person's race, color, religion, sex, age, national or ethnic origin, disability, veteran status, sexual orientation, gender identity, gender expression, or any other characteristic protected under applicable law, in the administration of its policies, programs, and activities.

### I. PURPOSE OF POLICY

William Paterson University does not tolerate any form of sexual harassment or discrimination; therefore, the purpose of this policy is to inform the community of the misconduct addressed by the University's Office of Institutional Equity and Diversity ("OIED"). Forms of misconduct governed under these policies includes all forms of sexual misconduct and discrimination ("prohibited conduct").

This policy is not intended to substitute or supersede related criminal or civil law. Students are encouraged to report incidents of domestic violence, dating violence, stalking, and sexual assault to law enforcement authorities. Bias intimidation, discrimination, domestic and dating violence, stalking, and sexual assault are crimes in the State of New Jersey and are subject to criminal prosecution.

Criminal and civil remedies are available in addition to the potential remedies that the University may extend. Anyone violating these policies may be subjected to University disciplinary action up to and including suspension and expulsion from William Paterson University and/or termination of student employment.

Print copies of the Sexual Misconduct and Non-Discrimination Policy and Process are available in the Office of the Vice President for Student Development, Human Resources, Office of Institutional 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

The Office of Institutional Equity and Diversity is responsible for implementation and enforcement of this policy and procedures. OIED will work in conjunction with the Accessibility Resource Center on matters involving students with disabilities and requests for reasonable accommodations of individuals participating in procedures governed by this policy. Students found responsible for a violation of prohibited conduct will be subject to the range of sanctions included in Appendix C of the Student Sexual Misconduct and Non-Discrimination Process and any other applicable University policies and procedures.

### III. APPLICABILITY

This policy applies to students, from their time of acceptance and admission into William Paterson University, recognized student organizations, applicants, visitors, and guests, when the prohibited conduct occurs (A) on university property; (B) in the context of any university program or activity; (C) outside the context of university activities but which may have the effect of posing a serious threat to the university community or creating a hostile environment for any members of the university community; (D) or activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

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. DEFINITION(S) AND KEY TERMINOLOGY

See Appendix C

#### V. BACKGROUND

The University is committed to complying with all applicable regulations including, (a) Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities; (b) the Clery Act (Campus SAVE) and the Violence Against Women Reauthorization Act of 2013 (VAWA) which ensures prompt, fair, and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence, and domestic violence; (c) the Americans with Disabilities Act Amendments Act (ADA), as amended in 2008, that emphasizes that the definition of a "person with a disability" is someone with a physical or mental impairment that substantially limits one or more major life activities; and the (d) Family Educational Rights and Privacy Act (FERPA), which is a Federal law that protects the privacy of student education records and applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

The New Jersey Student Bill of Rights that calls for a student's "access to safe, supportive and inclusive learning environments." William Paterson University shares this vision and works to ensure that students are not only safe from harm but also included and welcome on campus.

#### **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.

## VI. POLICY

### A. Prohibited Conduct

This policy addresses allegations of Sexual Misconduct, against student Respondents, that occur on the basis of sex that do not fall within the definitional or jurisdictional requirements of the federal regulations underlying the Title IX Policy for Sexual Harassment Complaints. To the extent allegations of inappropriate behavior/misconduct against a student may not be covered by this policy or the Title IX Sexual Harassment/Sexual Assault Policy, they may still be addressed under the Student Code of Conduct or other applicable policy/procedure. Allegations against employees that do not fall under the Title IX Sexual Harassment/Sexual Assault Policy, may be addressed under the Policy Prohibiting Discrimination in the Workplace and Educational Environment, or other applicable policy.

#### 1. Sexual Harassment and Misconduct

**Sexual Misconduct** is an umbrella term which includes a broad range of behaviors that for the purpose of these policies are:

- a. **Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- b. **Sexual Exploitation:** Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact.
- c. **Dating Violence** - 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.
- d. **Domestic violence** - 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.

\*Violence for the purpose of domestic and dating violence includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior

- e. **Stalking** (including Cyber Stalking): Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for their safety, the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- f. **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.
  - 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.
  - Sexual contact (fondling): The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual

gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- 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.

## 2. **Sex Discrimination**

Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination refers to conduct that creates a hostile environment based on** unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the University's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the University's education program or activity.

## 3. **Retaliation**

This Policy prohibits retaliation against any student, who in good faith, alleges that they were the victim of sexual misconduct or discrimination, files a report, provides information in the course of an investigation, or is accused of violating a University Policy.

Acts of retaliation, including coercion, intimidation, threats, or any other action deemed so by administrators, against any student making a complaint or participating in an investigation will not be tolerated. This is meant to prevent the malicious use of University policies against another student for the purpose of re-victimization.

Complaints alleging retaliation shall be brought forward to the Title IX Coordinator to be addressed under Title IX, Student Sexual Misconduct and Non-Discrimination Policy, and/or related policies and procedures.

A determination of responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **B. Reporting Sexual Misconduct & Discrimination**

### 1. **Reporting to the Title IX Coordinator**

Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), 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).

**Title IX Coordinator  
Sobia Mahmood, JD**

Email: [TitleIX@wpunj.edu](mailto:TitleIX@wpunj.edu)  
973-720-2389

Office Location – College Hall Room 120

**Postal Mail**

William Paterson University  
Office of Institutional Equity and Diversity  
358 Hamburg Turnpike  
Wayne, NJ 07470  
College Hall Room 120

**Complete Incident Report for Sexual Harassment and Sexual Misconduct (24 Hours a Day)**

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

**2. Anonymous Reporting**

Options for anonymously reporting incidents of sexual harassment or sexual misconduct 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 will NOT initiate the formal complaint or grievance process unless Title IX Coordinator(s) are compelled based on known circumstances. The University's ability to address a report from an anonymous source is significantly limited.

**3. Reporting to University Police**

**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 misconduct governed by this policy directly to a University official, to the Title IX Coordinator, their 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 complainants 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>

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.

#### **4. Reporting Bias Incidents**

Complaints by students against other students for any form of discrimination, including sex and/or gender, may be addressed by the Bias Prevention and Education Team (BPET), which retains discretion to determine the most appropriate avenue of response, including but not limited to, coordination with other University resources such as the Dean of Students and Director of Student Conduct. Not all such allegations will warrant a full investigation, but the University reserves the right to investigate any matter in which discrimination based on a protected class is articulated.

To facilitate the reporting of a discrimination complaint by a student against other students, please submit the [Bias Related Incident Report](#) online. The BPET is a group of University staff and faculty who support and guide students seeking assistance in determining how to handle an alleged bias and/or discrimination incident. Members of the BPET will respond to reported incidents in the following ways:

- Meet with impacted students and connect them to campus resources for support and guidance.
- Refer reported incident to relevant campus administrative bodies for review. If the reported incident appears to rise to the level of a policy violation, the case is referred to the appropriate campus units that govern and oversee applicable policies in the Student Code of Conduct and Nondiscrimination policy.
- Convene to discuss possible solutions and develop effective educational and outreach programs aimed to address underlying issues or systems that impact campus climate.

### **C. Confidential Disclosures and Resources**

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

Students have the right to seek confidential resources and disclose allegations of sexual harassment to the University. Designated employees on campus have the ability to maintain a student's confidentiality. Confidential resources are located within the Counseling, Health, and Wellness Center and the Student Center. Professional Counselor(s), the Social Worker for Student Support and Resources are not obligated to file a report with the Title IX Coordinator, designee, or Campus Police, and can also assist with available resources, depending upon the circumstances.

Confidential Employees who receive a report of sexual harassment will discuss with the Complainant the available process for reporting it, request supportive measures and 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.

A complainant who speaks to a confidential resource must understand that, if they want to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent. A complainant 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.

- a. **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 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.

- b. **Social Worker**

**Social Worker for Student Support and Resources**

Theresa A. Bivaletz, MSW, LSW

Office of Student Development

Student Center Suite 117

973.720.2578

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

## 2. Responsible Employees

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

- **Counseling, Health, and Wellness staff,**
- **The Social Worker for Student Support and Resources, and**
- **Physical Plant Operations (“PPO”) non-management staff.<sup>1</sup>**

Responsible employees also include student employees, such as Resident Assistants, Peer Health Advocates, Peer Leaders, and Student Patrol. Student employees who receive reports of sexual harassment during the course of their employment duties are required to report incidents of sexual harassment to their supervisors and will be required to report to the Title IX Coordinator(s).

A Responsible Employee who receives a report of sexual harassment by a student 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 parties how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to provide supportive measures.

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<sup>1</sup> This is an illustration – not exact titles

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 Coordinator(s)). 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.

### **3. Services and Resources**

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

- **Restraining Orders:** 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.
- **Protective Orders:** 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.

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

The University has designed supportive measures to restore a student's access to their education while providing equal access to both parties during an investigation without unreasonably burdening the other party. These include measures designed to protect the safety of all parties or the University's educational environment or deter sexual harassment. The Title IX Coordinator(s) will support each party in offering individualized supportive measures.

Reports of Sexual Misconduct in violation of these policies may require immediate interim measures to protect the safety and well-being of the Complainant or the Respondent and/or the campus community pending the outcome of the investigative and adjudicative processes.

### **1. Supportive Measures**

Supportive measures are non-disciplinary and non-punitive. Supportive measures may include the following to the extent reasonably available and appropriate:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of class schedules (Office of Vice President for Student Development (973-720-2179))
- Campus escort services
- Restrictions on contact between the parties (mutual no contact orders)
- Changes in on-campus housing locations (Office of Residence Life: 973-720-2714)
- Leaves of Absence
- Increased security and monitoring of certain areas of the campus
- Assistance in arranging alternative University employment arrangements

## 2. **Interim Protections**

Requests for interim protections which may have an adverse impact on either party will be implemented by the Title IX Coordinator(s) in collaboration with Office of Student Conduct, Residence Life, and University Police as applicable.

Interim measures may include, but are not limited to:

- Mutual restrictions on contact between the parties
- Removal of Student Respondent for Allegations of Sexual Harassment
- Access Restrictions

## 2. **Access Restrictions**

If a currently enrolled student commits an act on-campus or in the University jurisdiction, that results in arrest, creates a public safety issue, or violates the Student Code of Conduct, OIED reserves the right to restrict or remove that student's access to campus. This decision will be made in consultation with the Office of Student Conduct, University Police, and the Title IX Coordinator(s) regarding the level and duration of restricted access and may also involve input from Academic and Residence Life staff members. Restrictions can be revised as more information becomes available.

A student can be restricted from one or more buildings or areas of campus as well as the entire campus based on the specific circumstances of the incident.

Communication restrictions (referred to as Mutual No Contact Orders) can also be included in these restrictions. When No Contact Orders are issued, they will be applied to every student participant named in the incident.

The imposition of access restriction can be requested by contacting the Office of Student Conduct or Title IX Coordinator(s).

Failure to comply with supportive measures and interim protections is a violation of these policies and may lead to additional disciplinary action.

To request supportive measures and interim measures please contact the Title IX Coordinator.

## E. Students Responsibilities and Rights

### 1. Failure to Comply with Directives

Students are expected to comply with the directives of University staff operating in their official capacity. The following failures to comply may be subject to a violation of the Student Code of Conduct:

- Failure to comply with a duly issued directive by an authorized University Official or law enforcement officer. A directive may be considered any written or verbal mandate. (i.e. mutual no contact order)
- Failure to correctly identify oneself at all times and present this information upon request by a University Official or law enforcement officer.
- Aiding or assisting another to violate University Policy or acting in any way to further a violation of University Policy. Students may be held accountable for the actions of their guest.
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## 2. **Compliance with Investigation and Disciplinary Procedures**

William Paterson University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant wishes to limit their participation. The Complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.

If a Complainant, Respondent, or any witnesses choose not to participate in the investigation or to not answer any or all questions in an investigation the University process will continue, findings will be reached with respect to the alleged conduct, and the University will issue any corrective/disciplinary sanctions as appropriate.

## 3. Disability Accommodation

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 any investigation pursuant to this Policy 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.

To request disability-related accommodations that will facilitate your full participation in the Sexual Misconduct and Non-Discrimination process, students should contact the Accessibility Resource Center at (973) 720-2853 (voice); or [ARC@wpunj.edu](mailto:ARC@wpunj.edu) (email).

## 4. Privacy and Confidentiality

### **Considerations of the Title IX Coordinator**

The Title IX Coordinator(s) will consider whether the request for confidentiality can be honored while still providing a safe environment for all students. Such requests for confidentiality will be weighed against the overall safety of students, and confidentiality will be maintained to the extent possible to protect the privacy interests of those involved.

### **Prior Sexual History**

The sexual history of the Complainant and/or the Respondent will generally not be used in determining whether a violation of these policies has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. Prior sexual behavior may be considered if it is relevant to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. It must be noted that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In

addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or for another specific question raised by an allegation.

### **Freedoms of Expression**

William Paterson University champions free expression. The ways in which we address prohibited conduct respect that value. Forms of misconduct often center on speech that many community members find offensive. Those who engage in the speech that offends others and those that respond to the speech may be protected by First Amendment rights. When the speech is protected, neither the student conduct system nor criminal justice system can be applied.

Nothing in these policies shall abridge academic freedom or the University's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to the classroom subject matter.

### **University Alcohol and Drug Amnesty**

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 the alleged incident of sexual harassment and/or sexual misconduct, occurred 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 any incident of sexual harassment and/or misconduct 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 sexual harassment and/or misconduct 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 alleged incident of sexual harassment and/or misconduct.

## VII. PROCEDURE(S)

### **Procedures for Allegations of Prohibited Conduct**

The University has adapted a process to implement this Policy, containing, among other things: provisions on reporting; how to file a complaint internally or externally; supportive measures; the formal complaint and grievance process; and investigating and adjudicating internal complaints.

The [Student Sexual Misconduct and Non-Discrimination Process](#).

### **Student Complaint Form**

[Sexual Harassment and Sexual Misconduct Complaint Form](#)

## VIII. Appendices

## 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 they have the disability, has a record of the disability, or is regarded as having the 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 and it 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, N.J.S.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.

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.

Title IX of the Education Amendments of 1972 Pregnancy Discrimination: Protects Pregnant and Parenting individuals from discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

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

- Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- 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 is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

## Appendix B – 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 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, 6<sup>th</sup> 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 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 are located on campus and are in the first building on the left when using Entry One (on Pompton Road near the Catholic Campus Ministry Building).

## Appendix C– Definitions and Key Terminology

Advisor: An 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/or mediation sessions). An advisor is an individual (friend, parent, attorney or anyone else) who provides the Complainant and Responding Party respectively with support, guidance or advice. The role of the advisor 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 to 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(s), designee, 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.

Consent: is defined as informed, voluntary and mutual, and may be withdrawn at any time. Consent is not obtained with 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 use of alcohol and/or 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 or not to engage in sexual activity. Coercion renders an individual not capable of giving consent.
- Force: Force is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual contact. Force renders an individual not capable of giving 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 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: The individual reporting any form of discrimination including, sexual harassment, sexual misconduct, and gender-based harassment. The Reporting Party can be either the victim, survivor, reporting party/student, claimant, witness, parent, guardian, third party or any other term used by an institution or an individual who brings forth a report of a violation.

Consensual Relationships: Consensual relationships are romantic and/or 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.

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.

**\* Violence for the purpose of domestic and dating violence** includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior

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

Formal Complaint: means a document filed by a Reporting Party or signed by the Title IX Coordinator(s), or their designee, alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

Harm: creates an intimidating or Hostile Environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the College community, or by severely or pervasively causing physical or emotional harm to the student or other member of the College community.

Hostile Environment: is defined as an environment that, through one or more incidents of harassing conduct (e.g., physical, verbal, graphic or written) based on a person's Protected Classification becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a reasonable individual to participate in or benefit from a University program or activity.

Hazing: Hazing, initiation ceremonies, ragging, or deposition, refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group including a new fraternity, sorority, team, or club.

Hazing Harassment: behaviors that cause emotional anguish or physical discomfort in order for potential and new members / rookies to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for potential and new members/rookies.

Some Examples :  Verbal abuse  Threats or implied threats  Asking new members to wear embarrassing, humiliating, or conspicuous attire  Stunt or skit nights with degrading, crude, or humiliating acts  Expecting new members/rookies to perform personal service to other members such as carrying books, errands, cooking, cleaning, etc.  Sleep deprivation  Sexual simulations  Expecting new members / rookies to be deprived of maintaining normal schedule of bodily cleanliness  Be expected to harass others.

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.

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. 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.

Prohibited Conduct: is the collective term for discrimination, harassment (including sexual harassment) and abuse of authority. See Section VII, "Policy" for Prohibited Conduct under this policy.

Protected Classification: collectively refers to one or more of the following categories: age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

Relevance: refers to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

Reasonable Person Standard: A belief held, knowledge known, or action taken or not taken by an ordinary person under similar circumstances.

Recognized Student Organization: An approved organization who remains in good standing with the policies and procedures set forth by the University, Campus Activities, Service, and Leadership as well as their respective governing body either the Student Government Association and/or by the Greek Senate.

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

Reporting Party: The individual reporting any form of discrimination including, sexual harassment, sexual misconduct, and gender-based harassment. The Reporting Party can be either the complainant, victim, survivor, reporting party/student, claimant, witness, parent, guardian, third party or any other term used by an institution or an individual who brings forth a report of a violation. See "Complainant".

Responsible Authority: A university employee who has the duty to report allegations of sexual harassment or sexual misconduct made by students to the Title IX Coordinator(s) and/or designee or who a student could reasonably believe has this authority or duty.

Retaliation: Retaliation against an individual for making a good faith report of prohibited conduct or participating in any proceeding under these policies is also included as prohibited conduct.

**Sex Discrimination:** Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

**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.

- o 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.

- o Sexual contact (fondling) The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- o Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- o Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

**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 Exploitation:** Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact.

**Sexual Harassment:** (1) Quid Pro Quo, (2) Unwelcome Conduct – Severe, Pervasive, and Objectively Offensive, (3) Sexual Assault (Clery) Dating Violence, Domestic Violence, Stalking (VAWA)

Conduct on the basis of sex that satisfies one of more of the following: (1) an employee of the institution conditioning the provision of an 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 cyber stalking. 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 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 Reporting Party 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, both full-time and part-time, pursuing undergraduate, graduate, professional studies, or continuing education or any individual who has completed each 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 to campus prior to the start of the semester/term for recognized University functions including, but not limited to student employment; trainings; athletics; and participation in the summer program.

Students who withdraw from the University after allegedly violation the Title IX Grievance for Sexual Harassment or Student Sexual Misconduct and Non-Discrimination Policy 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 reached a conclusion 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.

Quid Pro Quo - A University employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct (often called “quid pro quo” or employee harassment).

Unwelcome Conduct - conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity.

University Hearing Board Member – includes any faculty or professional staff member at the University designated and trained by the Institutional Equity and Diversity Officer and/or Office of Student Conduct to conduct Title IX, sexual harassment, and sexual misconduct formal hearings.

## **Appendix D – New Jersey Sexual Assault Victim’s Bill of Rights**

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the university community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault and non-consensual sexual contact, respect for the individual and human dignity are of paramount importance.

The state of New Jersey recognizes that the impact of violence on its students and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to ensure that the needs of students are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

**Bill of Rights:** The following Rights shall be accorded to students of sexual assault that occur on the campus of any public or independent institution of higher education in the state of New Jersey, and where the student or alleged perpetrator is a student at that institution, and/or when the student is a student involved in an off-campus sexual assault.

1. **Human Dignity Rights:** to be free from any suggestion that students must report the crimes to be assured of any other right guaranteed under this policy; to have any allegations of sexual assault treated seriously; the right to be treated with dignity; to be free from any suggestion that students are responsible for the commission of crimes against them; to be free from any pressure from campus personnel to report crimes if the student does not wish to do so, report crimes as lesser offenses than the student perceives the crime to be, refrain from reporting crimes, refrain from reporting crimes to avoid unwanted personal publicity.
2. **Rights to Resources On and Off Campus:** to be notified of existing campus and community based medical, counseling, mental health and student services for students of sexual assault whether or not the crime is formally reported to campus or civil authorities; to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling; to be informed of and assisted in exercising: any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.
3. **Campus Judicial Rights:** to be afforded the same access to legal assistance as the respondent; to be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the respondent; to be notified of the outcome of the sexual assault disciplinary proceeding against the respondent.
4. **Legal Rights:** to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported; to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities; to receive full, prompt and student-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.
5. **Campus Intervention Rights:** to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of students by their alleged assailants; to be notified of the options for and provide assistance in changing academic and living situations if such changes are reasonably available.
6. **Statutory Mandates:** Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation. Each campus shall make every reasonable effort to ensure that every student at the institution receives a copy of this document. Nothing in this act or in any "Campus Assault Student's Bill of Rights" developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

By Direction of the President and Cabinet: