

**INTERIM STUDENT POLICY PROHIBITING SEXUAL HARASSMENT, SEXUAL
VIOLENCE, RELATIONSHIP VIOLENCE, STALKING, AND RELATED
MISCONDUCT¹**

INTRODUCTION

Rutgers, The State University of New Jersey, is committed to fostering an environment that is safe and secure and free from sexual and gender-based discrimination and harassment, sexual violence, dating and domestic violence, stalking and other related misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, and diligently investigate reports of misconduct. In addressing these issues, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.²

The University is required to comply with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. Similarly, the Violence Against Women Reauthorization Act of 2013 (VAWA) requires prompt, fair and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence and domestic violence. This Policy is intended to foster a safe and non-discriminatory educational environment and comply with Title IX, VAWA and other applicable laws.

This Policy prohibits a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual violence, sexual exploitation, gender-based harassment, stalking, and relationship violence (including dating and domestic violence) are all forms of misconduct that are prohibited by this Policy and will not be tolerated by the University.

This Policy sets forth how the University defines and addresses sexual and gender-based harassment, sexual violence, stalking and relationship violence and related misconduct involving University students. The Policy first sets forth the scope and jurisdiction of the Policy. It then defines key concepts, including the full range of prohibited conduct. Next, it describes reporting options, and explains whether and to what extent interactions with various resources are confidential. The Policy then discusses the University's response procedures, including services and measures that may be available in particular cases to support and assist students and informal resolution options. The response procedures further describe the investigation, determination, sanctioning and appeal processes for matters in which students are accused of prohibited conduct, as well as the affected students' rights in connection with the process. The last section is a comprehensive listing of Resources available to students affected by sexual and gender-based harassment, sexual violence, sexual exploitation, stalking and relationship violence.

¹ This policy has been approved for use as of August 14, 2015 by the Senior Vice President for Academic Affairs pending formal approval by the Board of Governors.

² For additional information on discrimination and harassment based on other protected categories, see Policy on Discrimination and Harassment, 60.1.12; Code of Student Conduct, 10.2.11; Academic Freedom Policy, 60.5.1; Workplace Violence Policy, 60.1.1; RBHS Students Rights, Responsibilities and Disciplinary Procedures.

The University is committed to the principles of academic freedom and believes that vigorous discussion and debate, as well as free inquiry and free expression, are an integral part of the University community.³ Nothing in the Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

³Academic Freedom Policy, at <http://policies.rutgers.edu/view-policies/human-resources-hr-%E2%80%93-section-60>

TABLE OF CONTENTS

- I. Scope of the Policy
 - A. Complaint Parties
 - B. Complaints Involving More Than One Rutgers Institution
 - C. Complaints Against Faculty, Staff and Third Parties
- II. Prohibited Misconduct
 - A. Sexual Harassment
 - B. Gender-based Harassment
 - C. Sexual Intimidation
 - D. Sexual Exploitation
 - E. Sexual Assault and Non-Consensual Sexual Contact
 - F. Relationship Violence
 - G. Stalking
 - H. Retaliation
- III. Other Important Concepts and Definitions
 - A. Hostile Environment
 - B. Consent
 - 1. Age
 - 2. Coercion and Force
- IV. Reporting Prohibited Conduct
 - A. Title IX Coordinators
 - B. Law Enforcement
 - C. Confidential Resources
 - D. Faculty, Staff and Other Non-Confidential University Employees
 - E. Requests Not to Disclose the Complainant's Identity
 - F. Time for Reporting
 - G. Reports from Third Parties or Anonymous Reports
 - H. Related Alcohol and Drug Violations
 - I. Unknown/Non-University Offenders
 - J. Public Awareness Events
- V. Student Rights
 - A. Rights of the Complainant and Respondent
 - B. Privacy
 - C. Advisors
 - D. Pending Discipline and Declining to Participate
 - E. Conflicts of Interest
- VI. University Procedures for Responding to Reports of Prohibited Conduct
 - A. Time Frames
 - B. Preliminary Inquiry
 - C. Interim Remedial Measures
 - D. Informal Resolution
 - E. Investigation
 - F. Conduct Charges
 - G. Hearing, Determination and Outcome
 - H. Appeals

- VII. Sanctions and Other Remedial Measures
 - A. How Sanctions are Determined
 - B. Types of Sanctions
 - C. Inactive Sanctions
 - D. Other Sanctions
 - E. Ongoing Accommodations for Complainant
 - F. Additional Responses
- VIII. Reporting of Crime and Disciplinary Statistics
- IX. Records Disclosure
- X. Amendments

I. SCOPE OF THE POLICY

This Policy governs sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, relationship violence and related misconduct (“prohibited conduct”) committed by a current Rutgers University student⁴ that either:

- occurs on any University campus or in connection with University programs or activities; or
- creates a hostile environment for University students; or
- involves a Complainant who is a current University student.

The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

A. Complaint Parties

Throughout this Policy “Complainant” refers to the person making the allegation(s) of prohibited conduct and “Respondent” refers to the person alleged to have committed the prohibited conduct. When the complainant is someone other than the victim of the alleged conduct, the victim also will be deemed the complainant for purposes of the rights and options available under this Policy.

B. Complaints Involving More Than One Rutgers Institution

Rutgers, The State University of New Jersey, is a public research university with three higher education institutions – Rutgers University–New Brunswick, Rutgers University–Newark, and Rutgers University–Camden – and an academic health care division, Rutgers Biomedical and Health Sciences (RBHS), which collaborates university-wide and is aligned with Rutgers University–New Brunswick.

When an alleged violation involves more than one (1) Rutgers University institution, the complaint shall be handled by the institution with disciplinary authority over the Respondent. The institution responsible for the investigation may request the involvement or cooperation of any other affected institution and should advise appropriate officials of the affected institution of the progress and results of the investigation.

C. Complaints Against Faculty, Staff and Third Parties

⁴ “Student” is any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University, and includes undergraduate, graduate, professional, and non-matriculated students at the University. Current students also include those students who are on a leave of absence from the University and those students currently taking classes who have yet to receive a degree or certificate from the University at the time of the alleged Policy violation.

If the Respondent is a faculty or staff member, third party who does business with the University, or is otherwise affiliated with the University, but not a University student, please refer to the Rutgers Policy Prohibiting Discrimination and Harassment, 60.1.12, and Discrimination and Harassment Complaint Process for Complaints against University Employees and Individuals Who Do Business with the University⁵, or contact the University's Office of Employment Equity. Students are entitled to appropriate support from the University and to be treated with respect, dignity, and sensitivity in connection with all incidents of conduct prohibited by this Policy including where the Respondent is a faculty member, staff member, or other party affiliated or doing business with the University. In all cases, the University shall strive to ensure that students receive all the rights and protections set forth in this Policy, to the extent applicable.

D. Designation of University Offices and Employees

Throughout this Policy, the University office and/or employee(s) who will typically perform certain roles or duties are identified. However, the University may designate other University offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy.

⁵ Available at <http://uhr.rutgers.edu/sites/default/files/userfiles/DiscriminationHarassmentComplaintProcess.pdf>

II. PROHIBITED CONDUCT

This Policy prohibits the following conduct, as well as attempts to commit and aiding or inciting others to commit these acts. Please note that these definitions are behavioral definitions, not legal or criminal definitions. Definitions of criminal violations can be found in the University's annual Safety Matters Report, which is available at <http://rupd.rutgers.edu/aboutsafe.php>.

A. Sexual Harassment. Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communication of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, educational or campus life activities; or
- submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual; or
- such conduct has the effect of unreasonably interfering with an individual's education or academic performance or creating an intimidating, hostile, demeaning, or offensive campus, work or living environment.

Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or different sex.

B. Gender-based Harassment. Gender-based harassment refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender-stereotyping. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's education or academic activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

C. Sexual Intimidation. 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.

D. Sexual Exploitation. Sexual exploitation refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:

- observing another individual’s nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
- non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
- exposing one’s genitals in non-consensual circumstances; or
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Depending on the circumstances of a particular case, sexual exploitation may also violate the provision of the Code of Student Conduct prohibiting Invasion of Privacy.

E. Sexual Assault or Non-Consensual Sexual Contact. Sexual assault or non-consensual sexual contact refers to any one or more of the following acts:

- Touching of an unwilling or non-consenting person’s intimate parts (such as genitalia, groin, breast, buttocks, or mouth under or over a person’s clothes).
- Touching an unwilling person or non-consenting person with one’s own intimate parts.
- Forcing an unwilling person to touch another’s intimate parts.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part. This includes, but is not limited to, penetration of a bodily opening without consent, through the use of coercion, or through exploitation of another’s inability to give consent.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part by use of force, threat, and/or intimidation.

F. Relationship Violence. Relationship violence refers to any act of physical, sexual, and/or psychological harm against an individual by a current or former intimate or romantic partner, or by a person with whom the victim shares a child in common. Intimate or romantic partners may be dating, cohabitating, married, separate or divorced, and may be of the same or different sex. Dating violence and domestic violence are both considered “relationship violence” under this Policy.

G. Stalking. Stalking refers to any course of conduct directed at a specific person that would cause a reasonable person to be fearful of serious harm or danger to themselves or to individuals close to them. Examples of stalking include non-consensual communication and physical contact; following or pursuing the other person; waiting or

showing up at locations visited by the other person; spying on a person; trespassing; vandalism; gathering of information about a person from others; or manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the victim.

H. Retaliation. Retaliation refers to any act of intimidation against individuals who, in good faith, assert their rights to bring a complaint under this Policy, including individuals who file a third-person report, or participate in an investigation, or protest the alleged conduct or retaliation. Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be responsible for retaliation. Retaliation is considered a separate offense from the original complaint, and will be considered independently from the merits of the underlying complaint.

Depending on the nature of the allegations, additional charges under the Code of Student Conduct may also apply. The Title IX Coordinator and the person responsible for addressing student conduct at a particular Rutgers Institution will determine whether those additional charges will be dealt with under this Policy, or under the Code of Student Conduct. The Code of Student Conduct is available at <https://studentconduct.rutgers.edu/university-code-of-student-conduct>.

III. OTHER IMPORTANT CONCEPTS AND DEFINITIONS

A. Hostile Environment

A “hostile environment” exists when unwelcome conduct of a sexual or gender-based nature has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or creating an intimidating, hostile, or offensive environment for that individual’s employment, education, living environment or participation in a university activity.

A person does not have to be the direct target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even if the harassment is not specifically directed at the observer or individual lodging the complaint. Alleged harassment will be evaluated according to the objective standard of a reasonable person. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

B. Consent

Any non-consensual sexual activity is prohibited by this Policy. Consensual sexual activity requires clear and unambiguous communication and mutual agreement for the act in which the participants are involved. Consent will be assessed objectively from the standpoint of a reasonable person.

In understanding the meaning of consent, the following principles apply:

- A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
- Someone who is incapacitated cannot consent. A person is incapacitated when the person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of, among other things, disability, physical or mental impairment, involuntary physical constraint, sleep, unconsciousness, or consumption of alcohol or other drugs.
 - According to New Jersey law, an individual who is physically or mentally impaired may not be able to give consent to sexual activity. Physical or mental impairment may include: visual, speech or hearing impairment, cognitive impairment; being unconscious or asleep; or being under the influence of alcohol or other substance(s) to the point of being unable to make a decision.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence or the absence of resistance is not the same as consent.
- Consent can be withdrawn at any time.
- The use of alcohol or drugs does not justify or excuse behavior that violates this Policy and never makes someone at fault for being the victim of a violation of this Policy.

1. Age

In New Jersey, a person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. Individuals that fall into "the duty to care" category would include parents or guardians, and those in any type of formal supervisory role. If individuals are between the ages of 13 and 15 they can legally consent to sexual activity with a partner who is not more than 4 years older.

2. Coercion and Force

Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

IV. REPORTING PROHIBITED CONDUCT

The University strongly encourages students, faculty and staff to report all conduct prohibited by this Policy directly to a University official, to a Title IX Coordinator or to the Rutgers University Police Department (RUPD) as promptly as possible so that the University can investigate and respond effectively. Reports may be made in person, in writing, via telephone, via electronic mail, or online: New Brunswick, <http://studentconduct.rutgers.edu/sex-discrimination-harassment-and-assault-and-titl/>; Newark, <http://health.newark.rutgers.edu/sexual-assault-interpersonal-violence-services/sexual-assault> ; Camden, <http://deanofstudents.camden.rutgers.edu/reporting-sexual-harassment-and-physical-sexual-misconduct-title-ix-procedures>; RBHS, http://njms.rutgers.edu/departments/family_medicine/shs/SexualAssault.cfm. Contact information is listed in the Resources section of this Policy.

Any student may meet with a Title IX Coordinator, RUPD, or any confidential resource to ask questions about the process before deciding to make a report.

A. Title IX Coordinators

The University has several Title IX Coordinators, whose offices are located throughout the University, as well as a Title IX Compliance Officer who serves as the Central Title IX Coordinator for the University. The Title IX Coordinators serve as the central points of contact for all University students affected by conduct prohibited by this Policy and oversee the administration of this Policy in a neutral and equitable manner. The Title IX Coordinators are also responsible for overseeing the University's response to all reports and complaints of conduct prohibited by this Policy, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.⁶

Contact information for all Title IX Coordinators can be found in the Resource section of this Policy.

⁶ All duties and responsibilities assigned to the Title IX Coordinators by this Policy may be fulfilled by the Title IX Coordinators or their designees (e.g., Deputy Title IX Coordinators).

B. Law Enforcement

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

RUPD personnel are familiar with state and local law enforcement processes and can explain what happens when sexual violence is reported to law enforcement. RUPD personnel can also accompany any student requesting support to the local police department or prosecutor's office, though they cannot serve as a substitute for legal advice on these matters.

While RUPD may work cooperatively with state or local law enforcement authorities, the criminal justice system is independent of the University's internal disciplinary procedures. Law enforcement authorities, including RUPD, do not determine whether a violation of this Policy has occurred.

Additional information on the RUPD intake process can be found in Rutgers' annual security report, which is available at <http://rupd.rutgers.edu/aboutsafe.php>.

C. Confidential Resources

Rutgers University-Camden, Rutgers University-New Brunswick, Rutgers University-Newark and RBHS each have several “confidential” resources available, including advocates, counselors, clergy and healthcare providers. These are people that, in general, are not obligated to share any personally identifying information about a report of prohibited conduct (such as the Complainant, victim or Respondent’s name) with the Title IX Coordinator, law enforcement, or any other University administrator. A report to a confidential source will not trigger an investigation or disciplinary action under this Policy. Confidential resources can offer the following assistance:

- Provide information about how to file a complaint with the University or law enforcement;
- Direct the student to other forms of protection and support, such as victim advocacy, accommodations, and/or health or counselling services;
- Arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care; and
- Provide students with immediate and long-term help.

Appendix A contains a complete list of the confidential resources on each campus. **Students may use these confidential resources whether or not they make a report to a Title IX Coordinator or participate in University disciplinary proceedings or the criminal process.**

D. Faculty, Staff and Other Non-Confidential University Employees

The University recognizes that students may be most comfortable disclosing sexual violence and other prohibited conduct to a University employee they know well, such as a faculty member, coach or resident advisor. These “non-confidential” employees will protect and respect students’ privacy to the greatest extent possible and share information only on a need-to-know basis; however, they cannot serve as a confidential resource for students. **Any University employee (other than the confidential resources identified in Appendix A) who receives a report about conduct prohibited by this policy is required to inform the appropriate Title IX Coordinator about the incident.**⁷ This means that these individuals are required to report to the Title IX Coordinator all relevant details, including the name of the individual who made the report, the alleged victim (if different), and the alleged Respondent, any witnesses, and other relevant facts. This does not mean that the University will automatically initiate a formal investigation of the incident(s). Rather, the Title IX Coordinator will work with the alleged

⁷ Under the law, certain employees designated “Responsible Employees” are required to report all potential incidents of sexual misconduct. Responsible employees include those who have the authority to take action to redress sexual misconduct, those given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator, or anyone a student would reasonably believe to have that duty. This Policy requires that all faculty and staff not designated as a Confidential Resource relay such reports to the Title IX Coordinator.

victim to assess any request for confidentiality or anonymity, and to determine how to respond to the report in a way that will stop and prevent recurrence of the alleged misconduct and provide remediation to the victim.

E. Requests Not to Disclose the Complainant's Identity in Connection with a Report to the University

The appropriate Title IX Coordinator is responsible for assessing requests by Complainants and/or victims not to disclose their identity to anyone else, including the person who allegedly committed the prohibited conduct. While such a request may limit the University's ability to investigate and respond to the report, the Title IX Coordinator, in consultation with the RUPD, victim advocates, and other relevant University administrators (as appropriate), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. Similarly, a Complainant and/or victim may request that the Title IX Coordinator not commence an investigation at all. In either case, the Title IX Coordinator will promptly notify the individual making the request whether the University will be able to honor it.

Factors to be considered in determining whether a request to maintain an individual's identity as confidential and/or that the complaint not be investigated may include but are not limited to:

- Whether there is an increased risk that the Respondent will commit additional acts prohibited by this Policy, including acts of sexual violence, such as:
 - Whether there have been other similar complaints about the same Respondent;
 - Whether the Respondent has a history of arrests or records from a prior institution indicating a history of violence;
 - Whether the Respondent has threatened future sexual violence, or other prohibited acts (including non-sexual violence) against the individual or others;
 - Whether the alleged sexual misconduct was committed by multiple individuals;
 - Whether circumstances suggest there is an increased risk of future acts of sexual violence or other prohibited conduct under similar circumstances (e.g., whether the report reveals a pattern of perpetration, such as via the illicit use of drugs or alcohol, at a given location or by a particular group);
- Whether the alleged prohibited conduct was perpetrated with a weapon;
- Whether the alleged victim is a minor; and
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras, information known to University personnel, or physical evidence).

If none of these factors is present, the University will endeavor to honor the student's request not to reveal the student's identity.

Whether or not the University is able to grant a request to keep the Complainant's and/or victim's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings pursuant to this Policy only to those who need to know in order to carry out their duties and responsibilities. This means that the Title IX Coordinator may disclose the identity of the Complainant/victim to, for example, the investigators assigned to the case, potential witnesses, and University administrators involved in the disciplinary process and/or any requests for interim measures or accommodations.

F. Time for Reporting

The University does not limit the time for submitting a report of conduct prohibited by this Policy. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

G. Reports from Third Parties and Anonymous Reports

In cases where an incident is reported to the Title IX Coordinator or the RUPD by someone other than the alleged victim (by a faculty member, resident advisor, friend or roommate, for example), the Title IX Coordinator will promptly notify the alleged victim that a report has been received. This Policy will apply in the same manner as if the victim had made the initial report and that individual will be considered the complainant for purposes of this Policy, even though the initial report did not originate with that individual. The Title IX Coordinator will make every effort to meet with the alleged victim to discuss available options and on-campus and off-campus resources. Reports from an anonymous source otherwise will be treated in the same manner as a report from the alleged victim. As always, the victim/Complainant is not required to participate in any resulting investigation or disciplinary process and the Title IX Coordinator will assess any requests to keep the identity of the Complainant/victim confidential, or not to commence an investigation.

H. Related Alcohol and Drug Violations

Sometimes students may be reluctant to report instances of sexual misconduct because they fear being charged with University alcohol or drug policy violations. The University encourages students to report all instances of conduct prohibited by this Policy and will take into consideration the importance of reporting such conduct in addressing violations of the University's alcohol and drug policies. This means that, whenever possible, the University will not respond punitively to alcohol or drug violations associated with prohibited conduct reported under this Policy.

I. Unknown/Non-University Offenders

The University will investigate reports of incidents affecting University students that are committed by individuals who are not members of the University community or whose identity

is not known to the extent it is able. The University will take appropriate actions designed to protect affected students and others in the University community, and to remediate the impact of the incident for the Complainant/victim.

J. Public Awareness Events

The University supports public awareness events such as SCREAM Theater events, "Take Back the Night" events, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure at such events of incidents of prohibited conduct is not considered a report to the University under this Policy.

V. STUDENT RIGHTS

A. Rights of the Complainant and Respondent

The University is committed to providing accessible, prompt, thorough and fair methods of investigation and resolution of incidents reported under this Policy to all University students. To this end, both the Complainant and Respondent are entitled to the following rights throughout the investigation and hearing processes set forth in this Policy, subject to the terms of this Policy.⁸

1. To be treated with dignity by all persons involved in the investigation and disciplinary process.
2. To a prompt and thorough investigation of the allegations.
3. To a fair hearing.
4. To equal access to information, evidence and University resources, including information pertaining to counseling services.
5. To information about this Policy.
6. To participate or to decline to participate in the investigation or hearing process.
7. To have an advisor of their choosing present at all meetings and hearings.
8. To written notice of all meetings and hearings, including the time and place. Proper written notification shall be defined as delivery of mail to a student's local or permanent address, as reported by the student to the University Registrar, or an e-mail message sent to the email account established as his or her official e-mail. Students shall be held responsible for the contents of mail sent to reported addresses and e-mail messages sent to their established e-mail accounts. Students have the responsibility for providing the University with current addresses, e-mail addresses, and phone numbers.
9. To present information and/or witnesses on their behalf during the investigation and hearing process. The relevancy of witnesses shall be determined by the Title IX Coordinator or their designee during the investigation phase, and by the Hearing Officer during the hearing phase.
10. To choose not to present information against themselves. Students do not have to speak at any meeting, conference or hearing and no negative inference will be made should a student choose not to speak.
11. To hear and respond to all information presented against them.

⁸ These rights are comparable to those set forth in the University Code of Student Conduct, though they have been modified to apply to the investigation and hearing processes described in this Policy.

12. To one (1) written copy of the investigation report stating the allegations, information gathered from all parties and witnesses, and the Title IX Coordinator's determination as to whether the information gathered could constitute a violation of this Policy.
13. To adequate time to review the investigation report and any evidence that will be presented to the Hearing Officer.
14. To notice of the charges (including what prohibited conduct is at issue) that will be presented to the Hearing Officer and reasonable notice of the date and time of the hearing.
15. To have any unrelated past behavior excluded from the investigation and disciplinary process, as determined by the Title IX Coordinator or Hearing Officer.
16. To submit written materials to the Hearing Officer relevant to the sanction decision, which may include a written impact statement by the Complainant and a statement of mitigating factors by the Respondent.
17. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout the investigation and disciplinary process.
18. To written notification of the results of the hearing or other case resolution, including any sanctions imposed.
19. To be informed of their right to appeal and of the process for doing so.
20. To written notification of the outcome of any appeal.
21. To privacy throughout the investigation and disciplinary process with respect to campus and other media, and from all other uninvolved parties.
22. To an opportunity to challenge the investigator(s), Title IX Coordinator, Hearing Officer, Appeals Officer or any other staff or administrator involved in the investigation, hearing or appeal process for a possible conflict of interest.
23. To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
24. To have reasonable steps taken to prevent any unnecessary or unwanted contact with the other party(ies) during the investigation and hearing process.

Additionally, the Complainant has the right to report the incident to law enforcement at any time.

The University also adheres to the New Jersey Campus Sexual Assault Victim's Bill of Rights which is reproduced in this Policy as Appendix B.

B. Privacy

The University will reveal information about its investigations and adjudication of conduct prohibited by this Policy only to those who need to know the information in order to carry out their duties and responsibilities. Students with questions about who may receive such information should contact the Title IX Coordinator.

All students and University personnel participating in an investigation, proceeding, or hearing are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

C. Advisors

The Complainant and Respondent, respectively, may be accompanied to any meeting or hearing under this Policy by an advisor of their choice. An advisor may be a friend, family member, lawyer or other individual of the student's choosing.

Advisors may support the student and provide advice about the investigation and disciplinary process. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator or Hearing Officer, including by questioning witnesses or making objections. Failure to comply with these mandates may result in the advisor being removed from, or prohibited from attending, any investigatory meetings and/or the hearing.

It is the responsibility of the student to make sure their advisor is present at meetings and hearings. Advisor availability shall not be sufficient grounds for postponing meetings or hearings.

Complainants and Respondents are free to consult with or retain an attorney of their choice and may elect to designate their attorney as their advisor. However, like all advisors, the attorney may not intervene or disrupt the proceedings. The University will obtain a signed release from students prior to discussing any information about a report or complaint with their advisor.

D. Pending Discipline and Declining to Participate

A student will not be permitted to graduate or receive academic credit (or certification, if applicable) for a program in which they are enrolled while a disciplinary matter is pending under this Policy; the student's graduation, credit or certification will be withheld until the matter is resolved.

A Complainant and/or Respondent may decline to participate in the investigative or disciplinary process. The University may continue the process without the Complainant's and/or Respondent's participation.

E. Conflicts of Interest

The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Title IX Coordinator any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Title IX Coordinator that the individual not participate. A Complainant or Respondent who believes that any person involved in the investigation or hearing process has a conflict of interest must submit this request in writing to the Title IX Coordinator within three (3) days after notification of that person's involvement in the process. Any request must include a description of the conflict. If the Title IX Coordinator determines that a conflict of interest may exist, the University will take steps to address the conflict in order to ensure an impartial process.

VI. UNIVERSITY PROCEDURES FOR RESPONDING TO REPORTS OF PROHIBITED CONDUCT

The Title IX Coordinators are responsible for overseeing the University's response to all reports and complaints of conduct prohibited by this Policy.

A. Time Frames

The University will seek to resolve every report under this Policy within sixty (60) calendar days of an initial report, not counting any appeal.⁹ The University recognizes that each case has its own unique circumstances, and time frames for each stage of the process may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the Complainant and Respondent.

The University's process for responding to, investigating and adjudicating reports under this Policy will continue during any law enforcement proceeding or civil proceeding. The investigation may need to be temporarily delayed while the police are gathering evidence but the investigation will be resumed once the police department has completed its evidence-gathering and generally will not wait for the conclusion of any related criminal proceeding.

B. Preliminary Inquiry

Following receipt of notice of a potential violation of this Policy, the Title IX Coordinator will immediately gather as much information as possible to determine the appropriate means for addressing the report. Options for addressing reports include, but are not limited to: (1) investigating the report, as described in Section VI.E, below; (2) attempting to resolve the report through an informal process, as described in Section VI.D below; or (3) determining that the facts of the report, even if true, would not constitute a violation of this Policy.

In all situations where the facts of the report, if true, would constitute a violation of this Policy, the Title IX Coordinator will contact the alleged victim within 48 hours of the initial report to inform them of their options for making a report (if they did not make the initial report), obtaining remedial measures and other support, and describing their rights and options under this Policy.

If the Title IX Coordinator determines not to investigate or attempt an informal resolution, either at the Complainant's request or, because the facts of the report, even if true, would not constitute a violation of this Policy, or for some other appropriate reason, the Title IX Coordinator will notify the Complainant in writing, including the reason for not investigating. If the Complainant requests, the Title IX Coordinator will also notify the Respondent in writing.

If a report proceeds to an informal resolution or an investigation, or if the Complainant requests interim remedial measures that might affect the Respondent (such as a "no contact" order,

⁹ References to days in this Policy refer to calendar days.

moving the Respondent's University housing or changing an academic schedule), the Title IX Coordinator will provide the Respondent with written notice that a report has been filed. The notice will include a description of the allegations and the Respondent's rights and options under this Policy.

The Complainant and Respondent will be given the opportunity to meet separately with the Title IX Coordinator or their designee to review this Policy.

C. Interim Remedial Measures

In all cases, the University will take appropriate steps designed to mitigate the effects of the alleged prohibited conduct, prevent its recurrence, and make accommodations for the students involved. Such interim measures may include, but are not limited to, academic, residential, and work accommodations; increased monitoring, supervision, or security at locations or in connection with activities where the alleged incident occurred; training and educational materials for the campus community; and/or protective measures (including, but not limited to, an interim suspension of the Respondent as set forth in Section VII(A) of the Code of Student Conduct). Under appropriate circumstances, available academic, residential and work-related accommodations may include:

- Moving a student's campus residence;
- Adjusting a student's work schedule for University employment;
- Changing a student's academic schedule;
- Changing a student's transportation arrangements;
- Allowing a student to withdraw from or retake a class without penalty;
- Providing access to tutoring or other academic support; and/or
- Issuing a "no contact" order.

Any decisions regarding interim measures shall be made by the appropriate Title IX Coordinator, in consultation with relevant University administrators. Such action may be taken in the immediate aftermath of an incident and/or while an investigation or a disciplinary action is pending. It is not necessary to file a complaint under this Policy, participate in the adjudication process, or file a criminal complaint in order to request services or accommodations from the University. Students may request accommodations even in cases where the Complainant has requested that no investigation be undertaken or the Complainant or Respondent has declined to participate in University disciplinary proceedings or the criminal process.

Following a report of an incident, the Complainant will be provided written notice of the interim measures and accommodations that may be available. The Respondent will be provided such notice if and when it is determined that an investigation or informal resolution will proceed. The Title IX Coordinator will evaluate any request for interim measures or accommodations in light of the circumstances and information available at the time. The Title IX Coordinator will seek to minimize unreasonable burdens on either party; however, every reasonable effort will be made to allow the Complainant to continue in their academic, University housing, and/or University employment arrangements. The Title IX Coordinator will also assist students seeking

accommodations for a disability in connection with the process of reporting or responding to conduct prohibited by this Policy, by working with the appropriate disability services office.

The University will provide information about interim measures and accommodations only to those who need to know in order to make them effective.

Failure to comply with interim measures or accommodations is a violation of University policy and may lead to additional disciplinary action.

Outside of the University, a Complainant 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.

D. Informal Resolution

The Title IX Coordinator may seek to resolve certain cases through an informal process involving both the Complainant and Respondent. (For example, a Complainant and Respondent may agree with the Title IX Coordinator that education and training for the Respondent are an appropriate and sufficient response in a particular case, or that a No Contact order between the parties provides remediation for the Complainant). However, the University will not use mediation to resolve cases involving allegations of sexual assault.

Informal resolution can take place during the preliminary investigation, the formal investigation, or after its conclusion. If, based on the information known about the incident, the Title IX Coordinator believes such a resolution is possible, the Title IX Coordinator will contact the Complainant. If the Complainant agrees, the Title IX Coordinator will then contact the Respondent. If both Complainant and Respondent are satisfied with the proposed resolution and the Title IX Coordinator believes the resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for all students, the resolution will be implemented, the disciplinary process will be concluded, the matter will be closed and both parties will be provided with written notice of the resolution. If these efforts are unsuccessful, the investigation and/or disciplinary process will continue. Before starting these discussions, the Title IX Coordinator will notify the Complainant and Respondent in writing that each has the right to end the informal process at any time.

E. Investigation

For all reports that proceed to investigation, the Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview and gather relevant evidence from the Complainant, Respondent and any witnesses. The investigator will also work with the RUPD and other campus offices to gather pertinent documentary materials (if any) and other relevant information. The investigator will follow the protocols set forth below:

Preserving Evidence. The investigator will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence, including but not

limited to, photographs, videos, audio recordings, text messages, and social media posts.

Character Witnesses. The investigator will not interview witnesses whose sole purpose is to provide character information.

Romantic or Sexual History in Sexual Assault Cases. The investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except information received from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.

Prior Conduct Violations. The investigator will not consider the Respondent's prior conduct violations.

The investigator will take handwritten or typed notes of all interviews and based on those notes will prepare written statements for each interviewee. The Complainant, Respondent and witnesses will have the opportunity to review their own statement and provide the investigator with corrections or revisions prior to the conclusion of the investigation.

The Title IX Coordinator will communicate with the investigators regularly throughout the investigation to ensure that the investigation is thorough, impartial and fair. The Title IX Coordinator will also ensure that both the Complainant and Respondent are updated throughout the investigative process, including with timely notice of meetings where either or both the Complainant and the Respondent may be present.

The investigator will complete the investigation within thirty (30) days of the initial report. At the conclusion of the investigation, the investigator will prepare a report for the Title IX Coordinator detailing the relevant content gathered from the interviews and any supporting documentation. The report will include the investigator's assessment of individual credibility. The investigator(s) will provide the report to the Title IX Coordinator no later than five (5) days after completing the investigation.

F. Conduct Charges

The Title IX Coordinator will review the investigation report and determine whether the information gathered supports charging the Respondent with having violated this Policy by engaging in prohibited conduct. The Title IX Coordinator will notify the Complainant and Respondent of this determination, including which acts of prohibited conduct the Respondent is charged with having committed.

The Title IX Coordinator or their designee will meet separately with both parties to review the investigation report and Title IX Coordinator's determination. The Respondent and Complainant will each receive one copy of the report. The names and other identifying information of other students will be redacted from the report in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

If the Title IX Coordinator determines that the Respondent will be charged with violating this Policy, the Title IX Coordinator will forward the investigation report and notice of charges to the Student Affairs Officer responsible for student conduct at the relevant Rutgers Institution (Camden, Newark, New Brunswick or RBHS). That individual, in consultation with the Title IX Coordinator, will make a recommendation as to the appropriate sanctions. In such cases, both the Complainant and the Respondent will be notified in writing of the recommended sanctions.

The Respondent must respond to the charges within three (3) days of notice of the charges and recommended sanctions in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the Respondent accepts responsibility, the recommended sanction will be implemented and, the Respondent and/or Complainant may appeal the sanction (but not the finding of the violation itself). If the Respondent denies responsibility, or chooses not to respond, the University will convene a hearing before a specially trained Hearing Officer. The Title IX Coordinator will provide simultaneous written notice to both parties of whether the Respondent accepts responsibility, including any sanctions¹⁰, if applicable.

G. Hearing, Determination and Outcome

The Title IX Coordinator will provide simultaneous written notice to the Complainant and the Respondent of the date and time of the hearing and name of the Hearing Officer, no less than seven (7) days prior to the hearing.

The Complainant and Respondent have the right to review any information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from the materials in accordance with FERPA.

Hearing Officer

The Hearing Officer determines whether the Respondent is responsible or not responsible for a violating this Policy. If the Respondent is determined to be responsible, the Hearing Officer will decide the appropriate sanction(s) to impose.

Written Submissions

Both the Complainant and Respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the Hearing Officer. The Complainant and Respondent will have the opportunity to review any written submissions by the other. The Hearing Officer may set reasonable parameters for these written submissions. The Complainant will be permitted to provide input into what steps he or she believes are needed to remedy the effects of the alleged sexual misconduct by submitting an Impact Statement, whereas the Respondent will be permitted to submit a written statement of mitigating factors relevant to

¹⁰ Depending on the nature of the prohibited conduct at issue, and the sanction imposed, federal law may limit the information on the sanction that may be provided to the Complainant.

potential sanctions. The Hearing Officer will review the investigation report, notice of charges, written submissions, Impact Statement, and other relevant information or evidence provided by the investigator, the Complainant and/or Respondent.

Hearing Procedures

The hearing is a closed proceeding, meaning that no one other than the Hearing Officer, the Complainant and Respondent, their respective advisors, witnesses (when called), and necessary University personnel may be present in the hearing room or rooms during the proceeding. The Title IX Coordinator will work with other University personnel so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- Presentation of the investigation report by the investigator, followed by questions to the investigator by the Hearing Officer.
- Complainant statement, followed by questions to the Complainant by the Hearing Officer.
- Respondent statement, followed by questions to the Respondent by the Hearing Officer.
- Witness testimony and questioning by the Hearing Officer.
- Closing statement by Complainant.
- Closing statement by Respondent.

The Hearing Officer may set reasonable time limits for any part of the hearing. The Complainant and Respondent each will have the opportunity to present witnesses and other information consistent with the Policy. The Hearing Officer may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the Complainant and Respondent are not able to be physically present for the hearing, arrangements will be made for participation via alternate means. Either the Complainant or Respondent may opt not to participate in the hearing, in which case the Hearing Officer may still hear from the other.

Additional hearing rules include:

- **Testimony via Closed-Circuit Television or Other Means.** Only the person testifying (and that person's campus advisor and/or support person, if applicable) is in the hearing room with the Hearing Officer during his or her testimony. The Complainant and Respondent each is able to view and hear testimony from a separate, private room via closed-circuit television, or other technological enhancement. **The Complainant and Respondent will not be required to be**

present in the same room together at any time during the course of the hearing.

- **Questioning.** Only the Hearing Officer may ask questions of the Complainant and Respondent and any witnesses. The Complainant and Respondent may not question each other directly. Both the Complainant and Respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the Hearing Officer in writing. The Hearing Officer may revise or not ask any or all submitted questions. Similarly, neither party's campus advisor nor support person may question witnesses (including the other party) during the hearing.
- **Information Regarding Romantic or Sexual History.** The Hearing Officer will not consider the romantic or sexual history of either the Complainant or Respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the Complainant's and Respondent's shared sexual history that the Hearing Officer deems relevant. If such information is offered by the Complainant or Respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of consent to alleged sexual misconduct.
- **Prior Conduct Violations.** The Hearing Officer will not consider the Respondent's prior conduct violations, unless:
 - The Respondent was previously found to be responsible; and
 - The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.
- **Hearing Recording.** The University will make and keep an audio or video recording of the hearing for the use of the Hearing Officer, and for purposes of appeal.
- **Cell Phones and Recording Devices.** Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Hearing Officer in advance and must be turned off before the hearing convenes.

Determinations and Standard of Proof

The Hearing Officer will use "preponderance of the evidence" as the standard of evidence to determine whether a violation of the Code of Student Conduct occurred. Preponderance of the evidence means that the Hearing Officer must be convinced based on the information considered that the Respondent was more likely than not to have engaged in the conduct at issue in order to find the Respondent responsible for violating this Policy.

The Hearing Officer generally will render a written decision within two (2) days after the conclusion of a hearing. The decision will include an explanation of the basis for the decision. If the Respondent is found responsible, the Hearing Officer will determine the appropriate sanction(s) as set forth below, which will be included in the written decision with an explanation of the rationale for imposing the particular sanction. The Hearing Officer's finding of "responsible" or "not responsible," along with the rationale for the outcome, as well as notice of the sanctions imposed and the rationale for the sanction(s), will be provided in writing simultaneously to the Complainant and the Respondent. This notice will include an explanation of the University's appeals process.

Note that pursuant to federal law, if the Hearing Officer does not find that the Respondent committed an act of forcible sexual violence, the Complainant may only be advised of sanctions imposed against the Respondent that directly relate to the Complainant.

H. Appeals

Both the Respondent and Complainant are afforded one (1) appeal of the final decision of the Hearing Officer, including the sanction imposed. If the Respondent accepted responsibility for the charges under Section VI(F), above, either party may appeal the sanction imposed, but not the finding of responsibility.

Appeals are decided by the appropriate Senior Student Affairs officer ("Appeals Officer") of the appealing party's school and/or division, or such person's designee. If both the Complainant and Respondent appeal, the appeals will be considered concurrently.

Consistent with the Code of Student Conduct, the four grounds for appeal¹¹ are:

1. **Unsupported Conclusion:** The decision made by the Hearing Officer is not supported by the facts of the case.
2. **Procedural Error:** The hearing was conducted unfairly and not in conformance with prescribed procedures. The error committed must be determined to have substantially impacted the fairness of the disciplinary process.
3. **New Information:** There is new information available that was not available at the time of the hearing and that is sufficient to alter the original decision.
4. **Disproportionate Sanction:** The sanction imposed against the Respondent was not appropriate for the offense committed.

Disagreement with the finding or sanctions is not, by itself, ground for appeals. The fact that any criminal charges based on the same conduct were dismissed, reduced or resolved in favor of the Respondent does not require, and will not necessarily result in, a change in the disciplinary decisions and/or sanctions.

¹¹ Note that if the Respondent has accepted responsibility under Section VI(F) of this Policy, the only ground for appeal by either party is "Disproportionate Sanction" as only the sanction imposed is subject to appeal.

The appealing student must submit the appeal in writing to the Appeals Officer within five (5) days after receiving the Hearing Officer's written decision. Failure to submit a written appeal within this five (5) day period forfeits the right to appeal under this Policy, regardless of the outcome of the other party's appeal (if submitted). If either the Complainant or Respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five (5) days after notice of an appeal.

The Appeals Officer may solicit written clarification on any issue raised on appeal from the Hearing Officer assigned to the case, the Title IX Coordinator, the investigator, the Complainant, or the Respondent. In preparation of an appeal, the Respondent and Complainant may have access to the recording of the disciplinary hearing. Appeals are decided upon the record of the original proceeding and any written information submitted by any of the parties. The Appeals Officer shall not substitute his or her judgment for the decision of the original Hearing Officer or attempt to rehear the case.

Following the Appeals Officer's review of all information, he or she will:

1. Affirm the finding and sanction originally determined; or
2. Affirm the finding and modify the sanction; or
3. Remand the case for a new hearing.

Sanctions should only be modified if they are found to be clearly disproportionate to the gravity of the violation and/or precedent for similar offenses. Cases should only be recommended for remand for a new hearing if the Hearing Officer's conclusion is unsupported, specified procedural errors were so substantial they effectively denied the Respondent or Complainant a fair hearing, or new information merits a new hearing.

The imposition of sanctions may be deferred during the appellate process and the status of the student shall not change until the Appeals Officer issues a final decision, except that a hold may be placed on the student's transcript and no degree will be awarded to the Respondent pending completion of the appeals process. Interim actions may also be taken or continued while the case is going through the appeals process to protect the Complainant.

The Appeals Officer will notify the Complainant and Respondent simultaneously of the final decision on appeal in writing. Appeals decisions will be rendered within ten (10) days after the receipt of the written appeal. All appeals decisions are final and not subject to further review. Once the appeals process is completed, it shall be the responsibility of the Director of Student Conduct or Chancellor's designee (where the Respondent is enrolled at RBHS, Newark and Camden) to oversee the implementation of imposed sanctions.

VII. SANCTIONS AND OTHER REMEDIAL MEASURES

A. How Sanctions Are Determined

The Hearing Officer will impose sanctions that are:

1. Fair and appropriate given the facts of the particular case;
2. Consistent with the University's handling of similar cases;
3. Adequate to protect the safety of the campus community; and
4. Reflective of the seriousness of sexual misconduct.

The Hearing Officer will consider the recommended sanction and will consult the University Title IX Coordinator to obtain information about sanctions imposed in similar cases. However, the Hearing Officer will determine the appropriate sanctions to impose.

The Hearing Officer will consider relevant factors, including, if applicable: (1) the nature of the prohibited conduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the University community; (7) the Respondent's conduct during the disciplinary process; and (8) precedent established by previous sanctions.

B. Types of Sanctions

Sanctions imposed under this Policy will be comprised of an “inactive sanction” and, where appropriate, “active sanctions,” as defined in the Code of Student Conduct. An inactive sanction is an official University sanction: Warning, Reprimand, Disciplinary Probation, Restrictive Probation, Disciplinary Suspension, Expulsion or Dismissal. An “active sanction” is designed to remedy the effects of the misconduct and/or prevent its recurrence and may or may not be imposed as part of the sanction. A list of active sanctions (with definitions) is available in the Rutgers University Sanction Guide, which is available at

<https://slwordpress.rutgers.edu/studentconduct/wp-content/uploads/sites/46/2014/12/SanctionGuide.pdf>.

C. Definitions of “Inactive Sanctions” as Set Forth in the Student Code of Conduct

1. Warning: A Warning is notice, orally or in writing, that continuation or repetition of conduct shall be cause for additional disciplinary action.
2. Reprimand: A Reprimand formally indicates to a student that his or her behavior is unacceptable and that continuing that behavior shall warrant additional, more serious consequences.

3. Disciplinary Probation: A student who is placed on Disciplinary Probation is notified that he or she is not in good standing with the University. Violations of the terms of Disciplinary Probation, or any other violation of this Policy or the Code of Student Conduct during the period of probation, shall be viewed as both a violation of this Policy and/or the Code of Student Conduct and a violation of a student's probation and shall typically result in suspension.
4. Restrictive Probation: Restrictive Probation is a notice to a student that his or her actions are of such a serious nature that removal from the University for a period of time is recommended. The University shall refrain from suspending the student as long as the student meets all sanction requirements. Any additional incidents in which the student is found in violation of this Policy or the Code of Student Conduct shall result in immediate removal from the University for a period of time and the possibility of additional sanctions. While a student is serving a Restrictive Probation, he or she may not hold elected office and may not represent the University in any official capacity, including intercollegiate athletics, major extracurricular activities or student exchange programs. At the end of the deferred suspension period, all lost privileges and eligibility shall be restored.
5. Suspension: Suspension involves a certain period of time in which a student may not participate in any academic or other activities at the University. There are two types of suspension: term and conditional. A term suspension stipulates the period of suspension, after which the student may return to the University community as a student (if the student meets the academic requirements of the program of study). A conditional suspension requires that the student meet certain requirements before he or she can return to the University community. The conditional suspension shall continue until the Director of Student Conduct determines that the conditions have been satisfied. While on suspension, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a Rutgers degree. Notice of the suspension shall appear on the student's academic transcript for the term of the suspension.
6. Expulsion: Permanent termination of student status, and exclusion from University premises, privileges and activities. This action shall permanently be recorded on the student's academic transcript.
7. Dismissal: Permanent termination of RBHS student status and exclusion from RBHS premises, privileges, and activities. This action shall be permanently recorded on the RBHS student's academic transcript.

D. Other Sanctions

The following sanctions also may be imposed in a matter under this Policy, in addition to (but not in lieu of) the inactive sanction:

1. Changing the Respondent's academic schedule.
2. Revocation of honors or awards.
3. Restricting access to University facilities or activities (including student activities and campus organizations).
4. Issuing a "no contact" order to the Respondent or requiring that such an order remain in place.
5. Moving the Respondent's residence.
6. Dismissal or restriction from University employment.
7. Removal from student housing.
8. Revocation of degree.
9. Campus ban.

Any sanction beyond those listed here or in the Rutgers University Sanction Guide must be approved by the Title IX Coordinator. All sanctions and the sanctioning process shall conform to the Rutgers University Sanction Guide, which is available at http://studentconduct.rutgers.edu/downloads.php?D_ID=84.

In addition to any sanction, the University may also recommend counseling or other support services for the Respondent.

E. Ongoing Accommodations for Complainant

Whatever the outcome of the hearing process, a Complainant may request ongoing or additional accommodations and the Title IX Coordinator, in consultation with appropriate University officials, will determine whether such measures are appropriate. Potential ongoing accommodations include, but are not limited to:

1. Providing an escort for the Complainant.
2. Moving the Complainant's residence.
3. Changing the Complainant's academic schedule.
4. Adjusting the Complainant's work schedule.
5. Allowing the Complainant to withdraw from or retake a class without penalty.

6. Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

F. Additional Responses

The University may also determine that additional measures are appropriate to respond to the effects of the incident on the University community. Additional responses for the benefit of the University community may include:

1. Increased monitoring, supervision, or security at locations or activities where the misconduct occurred.
2. Additional training and educational materials for students and employees.
3. Revision of the University's policies relating to sexual misconduct.
4. Climate surveys regarding sexual misconduct.

VIII. REPORTING OF CRIME AND DISCIPLINARY STATISTICS

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute prohibited conduct under this Policy. As described in the chart in the Resources listing (Appendix A), some employees who receive reports of prohibited conduct under this policy (including some who are otherwise considered “confidential”) are required by the Clery Act to notify the University Public Safety about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the University to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat. Such reports do not contain information identifying individual students. The University Annual Security Report is available at <http://rupd.rutgers.edu/aboutsafe.php>.

IX. RECORDS DISCLOSURE

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. For example, Title IX requires that the University tell the Complainant whether or not it found that sexual violence occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, and other steps the school has taken to eliminate the hostile environment caused by the Respondent's actions, and to prevent recurrence. FERPA specifically allows schools to disclose to alleged victims of violence, including sexual violence, the final

results of any University disciplinary proceeding involving the offense. Further, any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found at <https://compliance.rutgers.edu/ferpa>.

X. AMENDMENTS

The University may amend the Policy from time to time. Nothing in the Policy shall affect the inherent authority of Rutgers to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

ON-CAMPUS RESOURCES

ON-CAMPUS RESOURCES

UNIVERSITY ADVOCACY AND CRISIS COUNSELING (“Confidential”¹²)

New Brunswick Resources

- Office for Violence Prevention and Victim Assistance (“VPVA”) (Confidential)
Phone: (848) 932-1181
(24 hours/day, 7 days/week)
<http://vpva.rutgers.edu/>

The Office of Violence Prevention and Victim Assistance offers counseling and advocacy services, educational programming, and training, consultation and policy development services to all members of the University community. Our programs and services are designed to promote ways of coping with the effects of interpersonal violence and to prevent such violence from occurring.

Crisis Intervention

If you need immediate assistance, we are available 24 hours a day, 7 days a week. A trained, confidential advocate is available to speak with you over the phone to provide you with support and information about the various options available to you.

If you are reporting an incident of domestic violence or sexual violence to law enforcement or having a forensic exam completed, an advocate can be available to meet you at that location to provide support and information.

To speak with an advocate now, please contact (848) 932-1181. Crisis intervention services are free and confidential to all members of the Rutgers University Community.

Advocacy

We can assist you with accessing any support from the university community that you may need as a result of being a victim of a crime. Advocacy includes, but is not limited to:

- Going with you to health services, a hospital or rape crisis center
- Helping you navigate the legal system for a restraining order or other request

¹² For more information on what it means to be a “confidential” resource, see the Confidentiality section of this Policy.

- Contacting faculty or other staff members on your behalf
- Facilitating interactions with other university departments, such as Residence Life, Academic Affairs, etc.
- Advocacy services are free and confidential to members of the Rutgers community
- To request our services, please call 848-932-1181

Counseling

- Individual counseling—come in and meet with one of our professional staff members to talk about what you have experienced
- Group counseling—contact our office for more information
- All counseling is available to victims, as well as friends and family
Counseling is free and confidential to members of the Rutgers community
- To make an appointment, call 848-932-1181

- For Psychological Emergencies:

During Regular Business Hours (8:30 a.m. – 5:00 p.m.):

Counseling, Alcohol and Other Drug Assistance Program & Psychiatric Services (CAPS)

Phone: (848) 932-7884

<http://rhscaps.rutgers.edu/>

After 5:00 p.m. and on Weekends:

Call the 24-hour emergency hotline at 732-235-5700 which is professionally staffed by the local community mental health center.

- Health Centers:

Health Center Main Phone Line: (848) 932-7402

Website: www.health.rutgers.edu

- Hurtado Health Center (College Avenue Campus)
11 Bishop Place, New Brunswick, NJ 08901
- Busch-Livingston Health Center (Busch-Livingston Campuses)
110 Hospital Road, Piscataway, NJ 08854
- Willets Health Center (Cook-Douglass Campuses)
11 Suydam Street, New Brunswick, NJ 08903

If any of these Centers are closed, call the RHS Advice Nurse Line: 1-800-890-5882

Newark Resources

- Sexual Assault and Interpersonal Violence Services (Confidential)
249 University Ave., Blumenthal Hall, Room 104, Newark, NJ 07102

Ph: (973) 353-5231 (HELP)
Website: <http://health.newark.rutgers.edu/>

The Rutgers University–Newark Health Services provides support to Rutgers students, faculty and staff who are victims of sexual assault and interpersonal/intimate partner violence.

Regular Business Hours: Monday-Friday 8:30AM - 4:30PM
Sexual Assault Hotline: 973-353-4357 (HELP)
Sexual Assault Program Coordinator, Marie Attis-Springs: 973-353-1279

After-work hours or anytime 24/7
Newark Campus Police (On-Campus): 973-353-5581
24-hr Health Nurse Line: 866-221-9674
SAVE of Essex County Hotline: 877-733-2273 (CARE)

Hospital Emergency Rooms:
University Hospital: 973-972-5123
Beth Israel Medical Center: 973-926-7240
Mountainside: 973-429-6000
Saint Barnabas: 973-322-5180
Emergency: Call 911

- Victim Advocates (Confidential)

Marie Attis-Springs
Coordinator of Sexual Assault Program, Health Promotion Specialist
249 University Avenue
Blumenthal Hall, Room 104
Newark, NJ 07102
Phone: 973-353-1279
Email: Caribe@rutgers.edu

Nikita Correa
Coordinator of Student Wellness and Student Development
350 ML King Blvd.
Paul Robeson Campus Center, Room 352
Newark, NJ 07102
Phone: 973-353-5300
Email: Nikita.Correa@rutgers.edu

- Health Services & Health Promotion Division

249 University Ave., Blumenthal Hall, Room 104, Newark, NJ 07102
Regular Business Hours: Monday-Friday, 8:30AM – 4:30PM

Walk-in Hours: Monday-Friday, 12:00PM – 1:30PM
Phone: 973-353-5231
Fax: 973-353-1390
Website: <http://health.newark.rutgers.edu/>

Rutgers University Newark Health Service, accredited by Accreditation Association for Ambulatory Health Care, supports the mission of the University, which includes: student education, retention, academic success, leadership, and healthy personal growth and development.

The Rutgers University Health Services is composed of compassionate Board certified health professionals who value innovation, quality, and efficiency and aim to meet the evolving needs of a diverse community.

Our mission is to serve the needs of the students as an integral part of the network of student support services, with special attention to health care and health education. We provide access to comprehensive preventative health programs, care for accidents and illness, and linkages to specialty services on a twenty-four hour basis. We utilize a holistic approach, which recognizes the connections between healthy minds and healthy bodies in all our interactions. We work closely with mental health and drug and alcohol services on this campus.

- Counseling Center

249 University Ave, Blumenthal Hall, Room 101, Newark, NJ 07102
Ph: (973) 353-5805
Website: <http://counseling.newark.rutgers.edu/>

We provide psychological and psychiatric services, along with a comprehensive alcohol and other drug assistance program. For victims of trauma and assault, we offer a range of supportive services including individual & group therapy. We also offer individual & group substance abuse counseling, psychiatric evaluations and medication monitoring. As needed, we are able to provide crisis intervention and assistance with community resources and referrals.

For Psychological Emergencies:

Regular Business Hours: Monday-Friday, 8:30AM – 4:30PM
Counseling Center: (973) 353-5805

After Regular Business Hours:

University Hospital Crisis Line: (973) 623-2323
Suicide Prevention Lifeline: (800) 273-TALK

Camden Resources

- Student Health Services
326 Penn Street, Campus Center – 2nd Floor, Camden, New Jersey 08102
Phone: (856) 225-6005
- Medical, Psychological, Alcohol/Drug/Nicotine Assistance, and Health Promotion Services
Website: <http://healthservices.camden.rutgers.edu/>

Resources for RBHS Students – Newark, New Brunswick/Piscataway, Stratford and Scotch Plains

Student Health Services:

- Rutgers Health Sciences Campus at Newark
Student Health Services
Doctor's Office Center, 90 Bergen Street, Suite 1750, Newark
973-972-8219
- New Brunswick/Piscataway Campus
Student Health Services
Monument Square, 317 George Street, First Floor, New Brunswick
732-235-5160
- Stratford Campus
Student Health Services
University Doctors Pavilion, 42 East Laurel Road, Suite 2100B, Stratford
856-566-6825

Rutgers Violence Prevention and Victim Assistance - 848-932-1181 - <http://vpva.rutgers.edu/>

Student Wellness Program (counseling, crisis intervention) Services available 24/7:

***EMERGENCIES* after 5:00 p.m. & weekends – 1-800-327-3678**

Monday-Friday, 9:00 a.m. to 5:00 p.m.

- Newark Campus/Scotch Plains Campuses
Rutgers-University Behavioral HealthCare
Student Wellness Program
183 South Orange Avenue, Newark
973-972-5429
- New Brunswick/Piscataway Campus
Rutgers-University Behavioral HealthCare

Student Wellness Program
242 Old New Brunswick Road, Piscataway
732-235-5930

- Stratford Campus
Rutgers-University Behavioral HealthCare
Student Wellness Program
One Echelon Plaza, Suite 101, 227 Laurel Road, Voorhees
856-770-5750

UNIVERSITY TITLE IX COORDINATORS (Non -Confidential)

For Complaints Against Students:

If you have a complaint against a Rutgers student under this Policy, please contact:

New Brunswick

Jackie Moran
Title IX Coordinator
Office of Student Affairs
126 College Avenue, RSC Suite 454
College Avenue Campus
Phone: 848-932-8576
Email: Jackie.moran@rutgers.edu

Joseph DiMichele
Deputy Title IX Coordinator
Office of Student Conduct
115 College Avenue
College Avenue Campus
Phone: (848) 932-9414
Email: jd1072@echo.rutgers.edu

Gender Equity in Athletics

If you have a complaint about gender equity in Rutgers athletics programs, please contact:

Kathleen Hickey
Title IX Coordinator
Intercollegiate Athletics
83 Rockefeller Road
Livingston Campus
Phone: 848-445-7899
Email: khickey@scarletknights.com

Newark

Clayton Walton, Associate Dean
Title IX Coordinator
Robeson Campus Center – Newark
350 ML King Blvd., Rm 234
Newark, NJ 07102
Phone: (973) 353-5934
Email: cwalton@andromeda.rutgers.edu

Farzana Katideen, Coordinator of Judicial Affairs and Student Development
Deputy Title IX Coordinator for Students
Robeson Campus Center – Newark
350 ML King Blvd., Rm 352
Newark, NJ 07102

Phone: 973-353-2772
Email: farzanak@rutgers.edu

Mark Griffin, Director of Athletics
Deputy Title IX Coordinator for Athletics
Athletics & Recreation – Newark
42 Warren Street
Newark, NJ 0702
Phone: 973-353-1458
Email: markg@rutgers.edu

Camden

Title IX Coordinator
Allison Wisniewski, Associate Dean of Students/Executive Director
326 Penn Street
Camden, NJ 08102
Phone: (856) 225-6422
Email: aemery@camden.rutgers.edu

Deputy Title IX Coordinator for Students
Deborah Scheibler, Assistant Director, Office of Housing and Residence Life
215 N. 3rd Street
Camden, NJ 08102
Phone: (856) 225-6471
Email: sdeborah@camden.rutgers.edu

Title IX Deputy Coordinator for Athletics
Karen Freed, Assistant Director of Athletics and Recreation
301 Linden Street
Camden, NJ 08102
Phone: (856) 225-6200
Email: karen.freed@camden.rutgers.edu

RBHS

Title IX Coordinator
Susan Young, Compliance Investigator
ERM-Risk Management, Ethics & Compliance

65 Bergen Street, Rm 1346
Newark, NJ 07101
Phone: (973) 972-0777
Email: youngsu@ca.rutgers.edu

For Complaints Against Employees or Others University-Wide:

If you have a complaint against a University employee (faculty or staff) or other non-student, please contact:

Lisa Grosskreutz
Title IX Coordinator
Office of Employment Equity
University Human Resources
57 US Highway 1, ASB II
Cook Campus
848-932-3979
Lisa.grosskreutz@rutgers.edu

Title IX Compliance Officer and Central Title IX Coordinator

Judy Ryan
Enterprise Risk and Institutional Compliance Officer
1 World's Fair Drive, Suite 3200
Somerset, NJ 08873
732-235-5304
Judy.ryan@rutgers.edu

DEAN OF STUDENTS

New Brunswick

Mark Schuster
Senior Dean of Students, New Brunswick
Campuses
115 College Avenue
Bishop House, Suite 109
New Brunswick, New Jersey 08901
Phone: (848) 932-2300
Website: www.deanofstudents.rutgers.edu

Dr. Tim Grimm
Dean of Students – College Avenue Campus

115 College Avenue
Bishop House
New Brunswick, New Jersey 08901
Phone: (848) 932-2300
Email: CollegeAveDean@echo.rutgers.edu

Dr. Michelle Jefferson
Dean of Students – Cook/Douglass Campus
Cook Student Center
59 Biel Road
New Brunswick, New Jersey 08901

Phone: (848) 932-3625
Email: CookDean@echo.rutgers.edu or
DouglassDean@echo.rutgers.edu

Sandra Castro
Dean of Students – Busch Campus

Camden

Thomas DiValerio
Dean of Students, Camden Campus
326 Penn Street Campus Center

Busch Student Center
604 Bartholomew Road
Piscataway, New Jersey 08854
Phone: (848) 445-0166
Email: BuschDean@echo.rutgers.edu

Jeffrey Broggi
Dean of Students – Livingston Campus
Lucy Stone Hall, Room - A239
54 Joyce Kilmer Avenue
Piscataway, New Jersey 08854
Phone: (848) 445-4088
Email: LivingstonDean@echo.rutgers.edu
Third Floor
Camden, New Jersey 08102
Phone: (856) 225-6050
Email: deanofstudents@camden.rutgers.edu
Website:
www.deanofstudents.camden.rutgers.edu
Newark

Office of the Dean of Faculty of Arts and
Sciences
325 Hill Hall
360 Dr. Martin Luther King Jr., Blvd.
Newark, New Jersey 07102
Phone: (973) 353-5213
Website: <http://www.ncas.rutgers.edu/dean>

RUTGERS UNIVERSITY RESIDENCE LIFE

Rutgers University Residence Life – New Brunswick/Piscataway

Phone: (848) 932-4371

Email: resident@rutgers.edu

Website: <http://ruoncampus.rutgers.edu/>

Rutgers University–Newark Residence Life

Phone: (973) 353-1037

Website: <http://housing.newark.rutgers.edu/>

Rutgers University-Camden Housing & Residence Life

Phone: (856)225-6471

Website: <http://housing.camden.rutgers.edu/>

Rutgers Biomedical & Health Sciences Residence Life

Phone: (973) 353-1037

Website: <http://housing.newark.rutgers.edu/>

DISABILITY SERVICES

Students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of sexual misconduct may contact the relevant office responsible for disability services, as listed below.

Rutgers Office of Disability Services – New Brunswick

Phone: (848) 445-6800

Email: dsoffice@echo.rutgers.edu

Rutgers-Newark, Office of Disability Services

Kate Torres – Coordinator of ADA Services and Academic Support

Phone: (973) 353-5300

Email: kate.torres@rutgers.edu

Rutgers-Camden, Office of Disability Services

Tim Pure – Coordinator of Disability Services

Phone: (856) 225-6442

Email: tpure@camden.rutgers.edu

Camden Law School

Angela Baker - Associate Dean

Phone: (856) 225-6411

E-mail: angbaker@camden.rutgers.edu

Newark Law School

Phone: (973) 353-5671

Email: arothman@kinoy.rutgers.edu

OTHER UNIVERSITY-WIDE RESOURCES

Rutgers University Office of Student Legal Services (“Confidential”)

115 College Avenue
Bishop House
New Brunswick, New Jersey 08901
Phone: (848) 932-4LAW (4529)
Website: www.rusls.rutgers.edu

Rutgers University Chaplains (“Confidential”)

List of Registered Chaplains can be found at the following website:
<http://getinvolved.rutgers.edu/organizations/religious-life>

For Camden Chaplains: <http://deanofstudents.camden.rutgers.edu/interfaith.council>

Rutgers Office of the Ombudsperson for the Students (“Non-Confidential”)

Sybil James, Esq.
19 College Avenue
Van Nest Hall, Room 101
New Brunswick, New Jersey 08901
Phone: (848) 932-1452
Fax: (732) 932-1680
Email: ombuds@rutgers.edu
Website: www.ombuds.rutgers.edu

UNIVERSITY PUBLIC SAFETY DEPARTMENTS (“Non-Confidential”)

Rutgers University Police Department
<http://rupd.rutgers.edu/> Phone: (732) 932-7211

Executive Director of Public Safety/Chief of University Police
<http://publicsafety.rutgers.edu>
Phone: (848) 932-4946

Deputy Chief of University Police/Clery Coordinator
<http://rupd.rutgers.edu/professionalstandards.php>
Phone: (848) 932-4930

EMERGENCY NUMBER: Obtain an outside line, then dial 9-1-1.

Obtain an outside line, then dial 9-1-1

OFF-CAMPUS RESOURCES

Hospitals located near Rutgers University Campuses

New Brunswick

Robert Wood Johnson University Hospital
1 Robert Wood Johnson Plaza
New Brunswick, New Jersey 08901
Phone: (732) 828-3000
Website: www.rwjuh.edu

Saint Peter's University Hospital
254 Easton Avenue
New Brunswick, New Jersey 08901
Phone: (732) 745-8600
Website: www.saintpetershcs.com

Newark

St. Michael's Medical Center
111 Central Avenue
Newark, New Jersey 07102
Phone: (973) 877-5000
Website: www.smmcnj.org

University Hospital
150 Bergen Street
Newark, New Jersey 07103
Phone: (973) 972-4300
Website: www.uhnj.org

Clara Maass Medical Center
1 Clara Maass Drive
Belleville, New Jersey 07109
Phone: (973) 450-2000
Website: <http://www.barnabashealth.org/Clara-Maass-Medical-Center.aspx>

Camden

Cooper University Health Care
1 Cooper Plaza
Camden, New Jersey 08103
Phone: (856) 342-2000
Website: www.cooperhealth.org

Off-Campus Advocacy, Counseling, and Health Services

Middlesex County Center for Empowerment (Rape crisis center for Middlesex County)

Phone: (732) 321-1189

29 Oakwood Avenue, Edison, New Jersey 08837

Website: <http://www.co.middlesex.nj.us/Government/Departments/PSH/Pages/Center-for-Empowerment.aspx>

SAVE of Essex County

Family Service League

Phone: 1 (877) 733-2273

60 South Fullerton Avenue, Montclair, New Jersey 07042

Website: <http://www.familyserviceleague.org/save>

Camden County Women's Center

311 Market Street, Camden, New Jersey 08102

Phone: (856) 963:5668

24 Hour Crisis Hotline: (856) 227-1234

<http://www.camdencountywomenscenter.org>

State-wide Sexual Assault Toll Free Hotline

(800) 601-7200 – or on-line at <http://www.njcasa.org/>

Sexual Violence Programs in NJ, by county <http://njcasa.org/find-help/>

State of New Jersey

Department of Families & Children

Domestic Violence Services

24-Hour Hotline: 1-800-572-SAFE (7233)

New Jersey Coalition Against Sexual Assault Hotline: 1-800-601-7200

RAINN: www.rainn.org

Off-Campus Law Enforcement

New Brunswick/Piscataway

New Brunswick Police Department
Emergency (Dial): 911
25 Kirkpatrick St., New Brunswick, NJ
08901
Phone: (732) 745-5200

Piscataway Police Department
Emergency (Dial): 911
455 Hoes Lane, Piscataway, NJ 08854
Phone: (732) 562-2300

Newark

Newark Police Department
Emergency (Dial): 911
480 Clinton Avenue, Newark, NJ 07108
Phone: (973) 733-6000

Camden

Camden County Police Department
Emergency (Dial): 911
800 Federal Street, Camden, NJ 08103
Phone: (856) 757-7440

New Jersey State Police

P.O. Box 7068
West Trenton, NJ 08628
Phone: (609) 882-2000

County Prosecutor's Offices

New Brunswick/Piscataway

Office of the Middlesex County Prosecutor
Public Safety Building
25 Kirkpatrick Street, 3rd Floor
New Brunswick, New Jersey 08901
Phone: (732) 745-3300
Email: prosecutor@co.middlesex.nj.us
Website: <http://www.co.middlesex.nj.us/Government/Departments/PSH/Prosecutor/>

Newark

Essex County Prosecutor's Office
50 W. Market Street, #3
Newark, New Jersey 07102
Phone: (973) 621-4700
Website: www.njecpo.org

Camden

Office of the Camden County Prosecutor
25 North 5th Street
Camden, New Jersey 08102
Phone: (856) 225-8400
Email: ccpotips@ccprosecutor.org
Website: www.camdencountypros.org

Additional Government Resources

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

<http://www.notalone.gov>

U.S. Department of Education, Office for Civil Rights

<http://www.ed.gov/ocr>

U.S. Department of Education

Office for Civil Rights

New York Office

U.S. Department of Education - 32 Old Slip, 26th Floor, New York, NY 10005-2500

Telephone: (646) 428-3800 • Email: OCR.NewYork@ed.gov

U.S. Department of Justice, Office on Violence Against Women

<http://www.ovw.usdoj.gov>

U.S. Department of Justice

Office on Violence Against Women

145 N. Street, NE, Suite 10W.121, Washington, D.C. 20530

Phone: (202) 307-6026

APPENDIX A

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

As a reminder, confidential resources will not share information except to the extent listed in the “Reporting Obligations” section below. Non-confidential resources are also required to respect and protect students’ privacy to the greatest extent possible. They will disclose identifying information to others only on a need to know basis. For more information, see the Confidentiality section of this Policy.

Personnel	Status	Reporting Obligations
University Chaplains (or Ordained Clergy)	Confidential	None, unless acting in a role described below.
Counseling and Psychological Services	Confidential	<p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p>
VPVA	Confidential	<p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p>
University Ombuds Office	Not Confidential	<p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is a reasonable cause to suspect that a minor has</p>

		been sexually abused, this resource will notify the RUPD.
Physicians and Other Health Professionals (Student Health Services)	Confidential	<p>These resources will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the appropriate Campus Public Safety office for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If a patient’s clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p>
Physicians and Other Health Professionals	Confidential	If there is reasonable cause to suspect that a minor has been sexually abused, these resources will notify the RUPD who will cause notification to the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8.10.
Title IX Coordinators	Not Confidential	<p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation and response to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the University Police Department for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Rutgers University Police Department	Not Confidential	<p>The University Police Department will report to the applicable Title IX Coordinator all information received about incidents under this Policy so the University can investigate and respond (Title IX).</p> <p>If this incident is a crime, the RUPD will include it in a crime log and annual crime statistics without identifying the alleged victim (Clery Act).</p> <p>If the incident is a crime and poses a serious or continuing threat, the RUPD will issue an emergency notification or timely warning (Clery Act).</p>

		<p>If there is a reasonable cause to suspect that a minor has been sexually abused, the RUPD will cause notification to the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8.10.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Other University Personnel (including administrators, faculty & staff)	Not Confidential	<p>Will report to the Title IX Coordinator all information received about incidents under this Policy so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, a “campus security authority” will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any require timely warning (Clery Act).</p> <p>If there is a reasonable cause to suspect that a minor has been sexually abused, the RUPD will be notified.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>

APPENDIX B

New Jersey Campus Sexual Assault Victim's Bill of Rights

Introduction

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 nonconsensual sexual contact, respect for the individual and human dignity are of paramount importance.

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

Bill of Rights N.J.S.A. 18A:61E-1 et seq.

The following rights shall be accorded to victims of sexual assaults that occur:

- On the campus of any public or independent institution of higher education in the State of New Jersey; and
- Where the victim or alleged perpetrator is a student at that institution; and/or
- When the victim is a student involved in an off-campus sexual assault.

Human Dignity Rights:

- To be free from any suggestion that victims 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 victims are responsible for the commission of crimes against them;
- To be free from any pressure from campus personnel to:
 - Report crimes if the victim does not wish to do so;

- Report crimes as lesser offenses than the victim perceives the crime to be
- Refrain from reporting crimes;
- Refrain from reporting crimes to avoid unwanted publicity.

Rights to Resources On and Off Campus:

- To be notified of existing campus and community-based medical, counseling, mental health, and student services for victims 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.

Campus Judicial Rights:

- To be afforded the same access to legal assistance as the accused.
- To be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused.
- To be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

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 victim-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.

Campus Intervention Rights:

- To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
- To be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

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 that institution receives a copy of this document.
- Nothing in this act or in any "Campus Assault Victim'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.