

# Complainant Notification

## OF RIGHTS AND OPTIONS WHILE ATTENDING STOCKTON UNIVERSITY

Stockton University is committed to providing a safe learning, living, and working environment free from sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking. In compliance with federal laws, policies and procedures have been adopted to prevent and respond to incidents of sexual misconduct involving members of our campus community. These guidelines apply to all students, faculty, and staff, and they are required to be provided to complainants of these crimes.

### Retaliation Prohibited

No employee or student bringing a complaint, providing information for an investigation, or testifying in any proceeding shall be subjected to adverse employment or education consequences based upon such involvement or be the subject of other retaliation.

#### Where to report/discuss an incident of sexual assault, dating violence, domestic violence, or stalking

- **Women's, Gender and Sexuality Center**, to explore your options confidentially
- **Title IX coordinator**, for a report or formal complaint and administrative investigation
- **Stockton Police Department**, if you wish to pursue a criminal investigation

Contact information can be found on the resources page of this document.

### SUPPORTIVE MEASURES UNDER TITLE IX

You are entitled to all available **SUPPORTIVE MEASURES**, whether you choose to involve law enforcement or have a school investigation, and regardless of who you choose to tell.

Supportive measures may include: Stockton cease and desist order (no contact order), changes in housing; modifications of work or class schedules or job assignments; extensions of deadlines or other course-related adjustments, and other measures intended to empower the complainant as they continue with their education. All supportive measures will be kept confidential, as long as it does not limit the University's ability to provide them. If the University is required to share information to execute a supportive measure, you will be notified of what information will be shared with whom, and why it is necessary, prior to the sharing.

Students may contact the Women's, Gender & Sexuality Center (WGSC) in F-103 at 609- 626-3611 and/or the Office of Student Conduct in the Campus Center, Suite 243 at 609-626-3585.

Employees should contact Human Resources in J-115 at 609-652-4384.

## Definitions

**Complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Domestic violence** is felony or misdemeanor crime(s) of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

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

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual or gender-based harassment or misconduct.

**Retaliation** is adverse or negative action taken against one who reports, files a complaint, or participates in the investigation and/or adjudication of a complaint.

**Sex discrimination** is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual's sex, gender, affectional or sexual orientation.

**Sexual assault** is an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation, and includes rape, fondling, incest and statutory rape. Sexual assault is also any conduct proscribed by N.J.S.A. 2C:14-2 of the New Jersey Criminal Code, including any act of penetration performed or perpetrated on one person by another under circumstances indicating a lack of consent, either due to force, or an inability of one party to consent due to age, relationship, mental defect, or physical incapacitation.

**Sexual harassment** is a form of sex discrimination. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A University employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
- Sexual assault, dating violence, domestic violence, or stalking; and
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic/work performance or creating an intimidating, hostile or offensive academic/work environment.

**Sexual misconduct** is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation, consistent with applicable local, state, and federal laws and regulations. Sexual misconduct includes, but is not limited to, sexual harassment; sexual assault to include rape, fondling, incest, statutory rape; dating or domestic violence; stalking; and gender-based harassment.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

**Statutory rape** is sexual intercourse with a person who is under the statutory age of consent. The age of consent in New Jersey is 16 years old, with limited exceptions.

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

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**For Men:** The WGSC wants men to know if you are a victim of interpersonal violence, you are not alone. According to the National Coalition Against Domestic Violence, 1 in 4 men will experience some form of physical violence by an intimate partner within their lifetime. The WGSC understands that certain gender stereotypes and social factors can make it difficult for male victims to come forward. The WGSC Victim Advocacy Center can support you. Call the confidential WGSC hotline at 609-849-8473 to go over your rights and options with a trained advocate. Or go to our website at <https://stockton.edu/wgsc/victim-advocacy.html>

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Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities.

Tammy Saunders  
Director of Title IX & EEO  
Title IX Coordinator  
L-214, 609-652-4693

## ON- & OFF-CAMPUS RESOURCES

Both Stockton University and our local community offer important resources to complainants of sexual misconduct including medical treatment, counseling, and advocacy. Most of these resources are free of charge to the complainant. A complainant has the right to, but need not, make a formal report to law enforcement or Stockton University to access these resources that include the following:

# On Campus Resources

<p><b>Women's, Gender &amp; Sexuality Center (WGSC)</b></p> <p>F-103, 609-626-3611 24/7 hotline, 609-849-8473</p> <p><i>(will activate SANE if complainant desires, Title IX advocacy, Accommodations)</i></p>	<p><b>Stockton University Police Dept.</b></p> <p>(Bldg. 71, across from North Lot) 609-652-4390</p> <p><i>(investigates criminal acts, assists with Restraining Orders)</i></p>	<p><b>Health Outreach, Promotion &amp; Education (HOPE)</b></p> <p>West Quad 108, 609-652-4701</p> <p><i>(STD/HIV testing available)</i></p>
<p><b>Title IX Coordinator Office of Equal Opportunity &amp; Institutional Compliance/Title IX Office</b></p> <p>L-214, 609-652-4693</p> <p><i>(coordinates school investigations into allegations of discrimination)</i></p>	<p><b>Office of Student Conduct</b></p> <p>Campus Center, Suite 243 609-626-3585</p> <p><i>(hearings/supportive measures)</i></p>	<p><b>Residential Life</b> Lakeside Lodge 609-652-4697</p> <p>Housing II, A-100, 609-652-4332</p> <p>Atlantic City, Residential Bldg. 609-761-1232</p>
<p><b>Stockton Cares</b> F-107 609-652-4645</p> <p><i>(navigates on and off campus resources)</i></p>	<p><b>Counseling and Psychological Services (CAPS)</b></p> <p>J-204 609-652-4722</p>	<p><b>Human Resources</b> J-115, 609-652-4384</p> <p><i>(for employees and employee-related matters)</i></p>
<p><b>Dean of Students</b> Campus Center, Suite 243 609-652-4645</p>		
<p><b>Office of Military &amp; Veteran Services</b> F-109 609-652-4315</p> <p><i>(advocates for service members)</i></p>	<p><b>Learning Access Program</b> J-204 609-652-4988</p> <p><i>(provides academic accommodations)</i></p>	<p><b>Office of Financial Aid</b> Campus Center, Suite 201 609-652-4203</p>

# Off Campus Resources

<p>AVANZAR (Atlantic County) (formerly The Women's Center) 927 N. Main St, Bldg. D, Pleasantville/ 24-hour hotline 1-800-286-4184 Text: 609-569-5437 www.avanzarnow.org <i>(will activate SANE if complainant wishes, advocacy, supportive counseling)</i></p>	<p>Galloway Township Police Dept. 300 E. Jimmie Leeds Road, Galloway 609-652-3705  <i>(investigates criminal acts, assists with restraining orders)</i></p>	<p>Atlantic City Police Dept. 2715 Atlantic Avenue Atlantic City 609-347-5780  <i>(investigates criminal acts, assists with restraining orders)</i></p>
<p>Atlantic Co. Prosecutor's Office, Victim-Witness Advocacy 609-909-7850  <i>(available upon completion of sexual assault kit and/or criminal complaint)</i></p>	<p>AtlantiCare Regional Medical Center, AC Campus 1925 Pacific Ave, Atlantic City 609-344-4081 Psychiatric Intervention Program 609-344-1118  <b><i>(SANE Exam Location)</i></b></p>	<p>AtlantiCare Health Park 219 N. White Horse Pike, Hammonton 609-704-3360  <b><i>(SANE Exam Location)</i></b></p>
<p>AtlantiCare Regional Medical Center Mainland Campus 65 W. Jimmie Leeds Rd, Galloway 609-652-1000  <b><i>(SANE Exam Location)</i></b></p>	<p>Shore Medical Center 100 Medical Center Way, Somers Point 609-653-3500  <b><i>(SANE Exam Location)</i></b></p>	<p>Coalition Against Rape and Abuse (CARA) Cape May Co. 1-877-294-2272 <i>(court advocacy, supportive counseling)</i></p>
<p>South Jersey Legal Services <a href="http://lsnj.org">lsnj.org</a> 1-800-496-4570 1300 Atlantic Avenue, Atlantic City 609-348-4200</p>	<p>US Dept. of Homeland Security Citizenship and Immigration Services 800-375-5283</p>	<p><a href="http://1in6.org">1in6.org</a>  <i>(Information and resources for men who have experienced sexual abuse or assault)</i></p>
<p>National Suicide Prevention Lifeline 988</p>	<p>NJ Department of Family and Community Development  1333 Atlantic Ave, Atlantic City 609-348-3001</p>	<p>Love is Respect <a href="https://www.loveisrespect.org/">https://www.loveisrespect.org/</a>  <i>(information regarding healthy relationships and safety)</i></p>
<p>Employee Assistance Program <a href="https://www.deeroakseap.com/">https://www.deeroakseap.com/</a> <i>(for Stockton employees)</i></p>		<p>Rape, Abuse &amp; Incest National Network (RAINN) 1-800-656-HOPE (4673)</p>
<p>Mental Health Association 4 E. Jimmie Leeds Rd, Galloway 609-652-3800</p>	<p>Veteran's Services Crisis Hotline 1-800-273-8255</p>	<p>Trevor Lifeline (LGBTQ specific crisis line) 1-866-488-7386 or text START to 678678</p>

## ***The Sexual Assault Exam: Explained***

Reporting to law enforcement is a personal decision, as well as your right, and is encouraged by the University.

However, if you are uncertain about reporting an incident of sexual assault to law enforcement, you may still have potential evidence collected by a specially trained Sexual Assault Nurse Examiner (SANE) at certain local hospitals, for up to approximately five days after an assault. You have the right to agree to all or parts of the exam or can decline to have a kit completed.

A trained “Osprey Advocate” from AVANZAR will meet you at the hospital to accompany you through the examination process. Although you may also decline the free services of an advocate, we strongly encourage someone to be with you to help provide support during this time and answer any questions you may have about the process.

An examination is conducted using specialized equipment; any potential physical evidence will be collected, photographs of injuries taken and information regarding the assault will be logged.

The SANE will secure any evidence in a sexual assault examination kit, which will then be sealed and turned over to the Atlantic County Prosecutor’s Office. The kit will be transferred to local law enforcement if you decide to report and proceed with a criminal investigation, or it will be held for a specific period of time, which is determined by the NJ Office of the Attorney General (currently a minimum of five years), and then may be disposed if you decline to report to law enforcement.

The examination kit is completed at no cost to you.

### **WHAT IS AN OSPREY ADVOCATE?**

Advocates are professionally trained to support victims of crime. Advocates do not give advice, but rather inform victims of their options, give information, emotional support, and help in finding resources and filling out paperwork. Advocates may also go to interviews and hearings with victims. Advocates may contact departments such as the Office of Equal Opportunity & Institutional Compliance, Office of Student Conduct, or Stockton University Police, to get help or information for victims. Some advocates staff the WGSC, run support groups, secure supportive measures, or provide in-person counseling to the victim. Victim Advocates at Stockton University are called, “**Osprey Advocates**” and you are encouraged to have one! Please call the WGSC at 609-626-3611 or make an appointment in F-103 to meet with one.



## Procedures Complainants Should Follow For Evidence Preservation

**If you are the complainant of sexual assault, domestic violence, stalking or other crime, it is important that any evidence is preserved, and a chain of custody established as soon as possible. Preserving evidence may help prove an offense of sexual assault, domestic violence, stalking, or other crime occurred, and may be used to establish the need for a restraining order or no contact order. Some suggestions:**

- Avoid cleaning your body in any way such as taking a shower, bathing, douching, washing your hands, combing your hair, or brushing your teeth. This will help maintain any potential evidence that may contain DNA such as semen, blood, hair, or other bodily fluids, as well as fibers, particles, etc.
- Do not urinate, especially if you suspect you were given a drug to incapacitate you; if it is **urgent** that you do, attempt to collect urine in a clean container. Certain drugs leave the body quickly and urine should be collected as evidence as soon as possible. Urine should be refrigerated. Do not use toilet paper to clean yourself afterward.
- Do not change your clothes, but if you must, put **all** the clothing you were wearing at the time of the assault or crime in clean **paper** (no plastic) bags or envelopes, preferably separately, and bring the bag(s) with you to the hospital or police department. Allow clothing to air dry prior to bagging and do not allow anyone else to handle the items. The hospital can provide you with alternative clothing or you can have someone bring you clothing.
- Do not clean or alter the crime scene in any way to preserve any additional evidence such as bedding, used condoms, condom wrappers, cigarette butts, drink containers, receipts, suspect clothing, or any other objects/items that may have been used during the crime. Do not touch anything at the scene!
- Preserve any photographic or other electronic evidence, even if you feel it is not important or relevant to the crime. Telephone calls, voicemails, e-mails, text messages, videos, photographs, and other social media communications can be used to establish a timeline and assist with recall.
- Take photographs of any injuries, to include a full photograph of the person whose injuries are being documented. Take photographs of property damage, to include photographs of individual items, the entire room where the damage occurred, the outside of the location where the photographs are being taken, etc. Copy or screenshot anything on a telephone, computer, tablet, etc. that may be removed and destroyed.
- Consider changing passwords and PIN numbers, **if previously shared**, so no one can access your phone, websites, storage clouds, accounts, etc. Be sure to keep these new passwords in a safe and secure location.
- Jot down notes to assist with future recall.

If you have any questions about the preservation of evidence, please contact the Stockton University Police Department at 609-652-4390.

**A Sexual Assault Nurse Examiner (SANE)** is a Registered Nurse who has received special training so that they can provide comprehensive care to sexual assault victims. In addition, they are able to conduct a forensic exam and may provide expert testimony if a case goes to trial.

**The Sexual Assault Response Team (SART)** is a community-based team that coordinates the response to victims of sexual assault. The team may be composed of SANEs, hospital personnel, sexual assault victim advocates, law enforcement, prosecutors, judges, and any other professionals with a specific interest in assisting victims of sexual assault.

(taken from rainn.org)

## Restraining, protective and no contact orders

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In certain situations, you may apply for a temporary restraining order (TRO), which is designed to protect a victim of domestic violence. You can apply for a restraining order Monday through Friday from 8:30 AM until 3:30 PM, by appearing in person at the Domestic Violence Unit of the Superior Court, Family Division, in the appropriate county\*. You may also apply for a restraining order at a police department in emergent situations, during hours when courts are closed. You can apply at a police department in the jurisdiction where the domestic violence occurred, where the suspect resides, where you reside or where you are sheltered or temporarily staying. Stockton University Police can assist you with determining where to make a report, depending on the specifics of your case. A hearing for the issuance of a final restraining order (FRO) is generally held within ten days after the issuance of a TRO. A restraining order may be issued without the signing of a criminal complaint.

A no contact order, for non-domestic situations, may be issued by a Judge upon the disposition of a criminal complaint. You should discuss this with the prosecutor and/or judge while your complaint is being addressed by the court.

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### SEXUAL ASSAULT SURVIVOR PROTECTION ACT

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The Sexual Assault Survivor Protection Act of 2015 provides that a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who does not fit the definition of a “victim” under the Prevention of Domestic Violence Act, may apply for a temporary protective order against the alleged perpetrator of such act(s).

If a temporary protective order is granted, it remains in effect until a final protective order hearing is held, typically within ten days of the issuance of the temporary order. A protective order may prohibit the alleged perpetrator from: committing or attempting to commit any future act of nonconsensual sexual contact, sexual penetration, or lewdness against the victim; entering the residence, property, school or place of employment of the victim; having any contact with the victim or others (contact includes personal, written, telephone or other electronic means). The order may also provide other relief as deemed appropriate.

Application for a temporary protective order may be made Monday through Friday from 8:30 AM until 3:30 PM, by appearing in person at the Superior Court, Family Division, in the appropriate county\*. Application may be made in a court having jurisdiction over the place where the alleged conduct or attempted conduct occurred, where the defendant resides, or where the victim resides or is sheltered.

**\*In Atlantic County, where Stockton University is located, you may apply for restraining orders or temporary protective orders at the Superior Court, Family Division, 1201 Bacharach Boulevard, Atlantic City, NJ, 609-345-6700. Contact information for all county courts in NJ can be found here: [njcourts.gov/courts/vicinages/county.html](http://njcourts.gov/courts/vicinages/county.html).**

Restraining orders, no contact orders and other protective orders shall be valid throughout the state and shall be enforced by all law enforcement officers.

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### NJ Definition

“Victim of Domestic Violence” – a person protected by the Prevention of Domestic Violence Act (PDVA) and includes any person:

A. Who is 18 years of age or older, **or** who is an emancipated minor, **and** who has been subjected to domestic violence by:

- Spouse or former spouse
- Any other person who is a present or former household member, **or**

B. Who, regardless of age, has been subjected to domestic violence by a person:

- With whom the victim has a child in common, or
- With whom the victim anticipates having a child in common, if one of the parties is pregnant, or

C. Who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.



## What are my Reporting Options under Title IX?

Your safety and mental health are most important, and you have options regarding making a report. Stockton University will take all necessary precautions to protect your identity and will never identify you in publicly available information, such as the campus Crime Log, Clery Annual Security and Fire Safety Report, and/or warnings sent out to the campus community.

You may report sexual misconduct to the Title IX Coordinator. The Title IX Coordinator or designee will meet with you to discuss the report. You may file a formal complaint with the Title IX Coordinator if you would like to request that the University investigate the allegation of sexual harassment. You may have an advocate of your choosing with you during the process (Osprey Advocate, friend, family member, teacher, colleague etc.)

You have the right to make a report to law enforcement, should you choose to, and Stockton University authorities will comply with any request for assistance in notifying the proper law enforcement agency, whether it be University police or a local police agency. Reporting to law enforcement generally involves a fact-finding interview, collection of evidence, witness and suspect interviews, and possibly criminal complaints, depending your particular case. You may have an advocate of your choosing with you during the process.

**Responsible employees who receive notice of an incident of sexual violence or sexual harassment that occurs on or off campus that involves a member of the Stockton campus community must report it to the Title IX Coordinator.**

At Stockton, all employees are responsible employees unless they are a confidential resource. An employee who is a confidential resource is allowed to maintain near complete confidentiality. Staff of the Women's, Gender, and Sexuality Center (WGSC), Osprey Advocates, Counseling Services, and the licensed physicians and nurses in Health Services are confidential resources and are not considered to be Responsible Employees and have the ability to maintain a complainant's confidentiality. Speaking with a confidential resource will not trigger a Title IX and/or criminal complaint, unless the complainant wants to move forward with a case.

If you are unsure whether reporting is best for you, contact an advocate (WGSC 609-626-3611/24-hour hotline 609-849-8473, or AVANZAR 24-hour hotline 1-800-286-4184; Text: 609-569-5437) to discuss your options.

*"You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until now." — Anonymous*

## Stockton University Grievance Processes

The Title IX grievance process will be prompt, fair and impartial from the initial investigation to the final result. You will be provided with timely notice of any meetings and proceedings and have equal access to all information, investigation reports and evidence. Processes will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking; how to conduct an investigation and hearing process that protects the safety of the complainant and ensures due process for the respondent.

Complaints against students go through the student conduct process. Complaints involving sexual misconduct are administratively investigated by the Office of Equal Opportunity & Institutional Compliance (OEOIC), with the evidence provided to the Office of Student Conduct (OSC) for processing through the Campus Hearing Board (CHB) or the Sexual Misconduct Procedure. Complaints against employees are handled under the Policy Prohibiting Discrimination in the Workplace and may also be processed through a CHB or the Sexual Misconduct Procedure.

The disciplinary proceeding utilized for violations of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking is detailed in the Sexual Misconduct Procedure. You may have an advisor and/or an advocate of your choice accompany you during all phases of the investigation or grievance process.

Stockton University uses the 'preponderance of the evidence' standard to decide cases alleging violations of the Campus Conduct Code. If a student respondent is found responsible for a violation involving sexual misconduct, possible sanctions include community service, suspension and expulsion. If an employee respondent is found responsible for a violation involving sexual misconduct, the employee is subject to sanctions up to and including removal. The parties are notified simultaneously, in writing, of the result of any disciplinary proceeding, procedures to appeal the result, and the result of the appeal.

Following a Title IX Administration Investigation, students have the right to pursue resolution through the hearing process, the University's Mediation and Problem Solving (MAPS) program, or the Ombuds Office (employees).

A mediation can only occur if all parties voluntarily decide (without coercion) and are willing to engage in mediation. Mediation does not eliminate a complainant's right to file a complaint for either a criminal or administrative investigation, nor the right to consult an attorney.

For more information on resolutions through either the disciplinary process and/or mediation, you may also contact the OSC, Campus Center, Suite 243, 609-626-3585, or complete the request form found on the OSC website. Questions that involve employees can also be directed to the Office of Human Resources, J115, 609-652-4384, or confidentially to the Ombuds Office, J-115Q, 609-652-4591.

The University's goal is to complete all investigations within a reasonably prompt timeframe. Some investigations may take longer due to complexity, unavailability of witnesses, or other extenuating circumstances. Should the investigation encounter significant delay, the Title IX Coordinator or case investigator will inform the parties of the reasons for the delay and the projected timetable.

## **What is Consent?**

When it comes to sex, silence is not consent.

Flirting is not consent.

Being in a relationship is not consent.

Consent for one thing is not consent for everything.

Dressing in sexy clothing is not consent.

Having had sex before is not consent now.

Being too drunk or high to say no is not consent.

Being passed out is not consent.

If a person is underage, it is not consent.

Being afraid to say no is not consent.

Making out is not consent.

Going into a bedroom is not consent.

"Maybe" is not consent.

"No" is not consent.

Sexual activity without consent is sexual assault.

Consent is a voluntary, conscious and mutual agreement to engage in sexual activity.

Only "Yes" is consent.

*For questions regarding this resource document, please contact the Clery Compliance Coordinator, Ro Latoracca, at 609-652-4390 or ext. 5989 on campus.*

# What's the difference between a Support Person and an Advisor?

## Support Person

A complainant may elect to have one advisor and one support person of their choosing accompany them during all phases of the investigation and grievance processes.

The role of the support person is to provide emotional support, and can be an advocate, or a trusted family member or friend. It is important to have emotional support during this time to help you comprehend everything that is happening with your case, the same way bringing a support person is helpful if you receive bad medical news.

The role of the support person is limited at a meeting, interview, or hearing. During meetings and hearings, the support person may take a break to confer with the complainant or pass notes in a non-disruptive manner. The support person may not intervene in a meeting or hearing or address the investigator, Hearing Officer, or outside adjudicator, including by questioning witnesses, making objections, offering testimony, or speaking in place of the complainant.

## Advisor

A student complainant may elect to have one advisor and one support person of their choosing accompany them during all phases of the conduct process. Employee complainants may have up to two advisors accompany them to a *hearing*.

The role of the advisor is to assist and advise the complainant with understanding and navigating the investigative and grievance processes. Both complainants and respondents are required to have an advisor for the cross-examination portion of the hearing. The advisor will present questions during cross-examination to the respondent and any witnesses.

During meetings and hearings, the advisor may take a break to confer with the complainant or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator, Hearing Officer or outside adjudicator, making objections, offering testimony or speaking in place of the complainant. The only exception is for the cross-examination portion of the hearing, where the advisor is responsible for asking questions to the respondent and witnesses.

It is the responsibility of the complainant to make sure their advisor is at meetings and hearings. If you do not have an advisor, you will be offered access to University-trained campus advisors at no cost. In addition, free or low-cost legal aid and pro bono services may be available via Legal Services of New Jersey, <https://www.lsnj.org/>.

# NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the college 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. Respect for the individual and human dignity is of paramount importance in creating a community free from violence, sexual assault and non-consensual sexual contact.

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

## **NJSA18A:61E-1 et. seq.:**

The following Rights shall be accorded to victims of sexual assault that occur:

- on the campus of any public or independent institution of higher education in the State of New Jersey, and
- where the 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 personal publicity

## **RIGHT 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 a 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 a victim by the alleged assailant to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available

## Complainant Rights

**Stockton University is committed to providing accessible, prompt, thorough, and fair methods of investigation and resolution of incidents. To this end, the Complainant is entitled to certain rights throughout the investigation and grievance processes:**

- A complainant has the right to be treated with dignity by all persons involved in the grievance process.
- A complainant has the right to expect to be free from retaliation, intimidation, harassment, and bullying throughout the grievance process.
- A complainant has the right to privacy throughout the grievance process.
- A complainant has the right to information about University Policies and Procedures that govern the Title IX process.
- A complainant has the right to access available University resources.
- A complainant has the right to a prompt and thorough investigation of the allegations.
- A complainant has the right to equal access to information and evidence that will be used during informal and formal grievance process meetings and hearings.
- A complainant has the right to written notice of the charges placed against the respondent, as well as any charges that will be presented to the Hearing Board or appointed outside adjudicator.
- A complainant has the right to receive a written notification of the circumstances and allegations involved.
- A complainant has the right to adequate time to review and respond to an investigative report and any evidence that will be presented.
- A complainant has the right to receive timely, written notification (to complainant's official University email), of all meetings and hearings, including the time and place.
- A complainant has the right to participate or to decline to participate in the investigation or grievance process.
- A complainant has the right to a prompt, fair, and impartial hearing.
- A student complainant has the right to have an advisor of their choosing and/or a support person present at all grievance process meetings and hearings. An employee complainant has the right to have up to two advisors present at a hearing.
- A complainant has the right to decline to submit to cross examination or to speak at any meeting, conference, or hearing. However, if the complainant does not submit to cross examination at a hearing, the decision maker will not rely on any statement of the complainant in reaching a determination regarding responsibility.
- A complainant has the right to present information and/or witnesses on complainant's behalf.
- A complainant has the right to a written determination regarding responsibility.
- A complainant has the right to be informed of their right to appeal and of the process for doing so.
- A complainant has the right to written notification of the outcome of any appeal.
- A complainant has the right to understand that information collected during the investigation and/or grievance process may be subpoenaed in criminal or civil proceedings.

*Note: The University will honor a complainant's request not to be contacted.*