

STOCKTON UNIVERSITY



PROCEDURE

Student Procedure Prohibiting Sexual Misconduct and Discrimination in the Academic / Educational Environment

Procedure Administrator: Chief Officer for Institutional Diversity and Equity

Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 1201 et seq., Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq., Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f).

Effective Date: August 2009; February 16, 2011; September 21, 2011; February 20, 2013; May 8, 2013; September 24, 2015

Index Cross-References: Policy I-120 – Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic / Educational Environment

Procedure File Number: 1200

Approved By: Harvey Kesselman, Interim President

I. PROHIBITED CONDUCT

It is a violation of this procedure to engage in conduct that is sufficiently severe, pervasive, or persistent and is objectively offensive as to substantially disrupt or undermine a person's ability to participate in or receive the benefits, services, or opportunities of the University based upon any of the protected categories referred to in Policy I-120: Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic / Educational Environment ("Student Policy").

It is also a violation of this procedure to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in the Student Policy that is sufficiently severe, pervasive, or persistent and is objectively offensive as to substantially disrupt or undermine a person's ability to participate in or receive the benefits, services, or opportunities of the University: A violation of the Student Policy can occur even if there was no intent on the part of an individual to harass or demean another, but which had the effect of affecting the educational environment of another.

Examples of behaviors that may, when severe, pervasive, or persistent, constitute a violation of this procedure include, but are not limited to:

- Substantially disrupting, limiting or denying another individual's ability to participate in, or benefit from University activities because of the individual's race, color, national origin or other protected category, or because of an individual has the physical, cultural or linguistic characteristics of a certain racial, religious or other protected category;
- Substantially disrupting, limiting or denying another individual's ability to participate in, or benefit from University activities because of marriage or partnership status to, or association with, persons of certain racial, religious, or other protected category; or due to the individual's membership in, or association with, an organization identified with the interests of certain racial, religious or other protected category; or because of an individual's name or spouse's/partner's name is associated with certain racial, religious or other protected category;
- Engaging in threatening, intimidating, or hostile acts or communications targeted towards another individual or group in the University because that individual or any group member belongs to, or is associated with any of the above protected categories;
- Discriminating against an individual with regard to terms and conditions of academic standing because of being in one or more of the protected categories referred to in the Student Policy;
- Treating an individual differently because of the individual's affiliation with the protected categories noted in the Student Policy;
- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;
- Outside of classroom discourse calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
- Outside of classroom discourse using derogatory references with regard to any of the protected categories in any communication;
- Engaging in threatening, intimidating, or hostile acts toward another individual in the academic setting because that individual belongs to, or is associated with, any of the protected categories; or
- Outside of classroom discourse displaying or distributing material (including electronic communications) in the academic setting that contains derogatory or demeaning language or images pertaining to any of the protected categories.

II. ADA-SECTION 504 COORDINATOR

The Chief Officer for Institutional Diversity and Equity is Stockton's ADA-Section 504 Coordinator. All individuals should be aware that the Chief Officer/ADA-Section 504 Coordinator oversees this procedure and has responsibilities that include, but are not limited to, overseeing all ADA-Section 504 complaints, as well as identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

III. TITLE IX COORDINATOR

The Chief Officer for Institutional Diversity and Equity is Stockton's Title IX Coordinator. Stockton also has Deputy Title IX Coordinators who assist the Chief Officer/Title IX Coordinator in ensuring that Stockton addresses its Title IX responsibilities.

Contact the Chief Officer/Title IX Coordinator if you:

- Wish to understand your options if you think you might have experienced sex discrimination or sexual misconduct;
- Need guidance, assistance or resource information on how to handle a situation in which you believe you were indirectly affected;
- Have inquiries about Title IX and Stockton's response to sex discrimination and sexual misconduct; or
- Want to provide feedback on how Stockton is fulfilling its Title IX responsibilities.

IV. STUDENT RESPONSIBILITIES

Any student who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual misconduct, or who witnesses others being subjected to such harassment or discrimination is encouraged to promptly report the incident(s). All students are expected to cooperate with investigations and/or hearings into allegations of prohibited discrimination/harassment, including sexual misconduct.

V. FACULTY/STAFF RESPONSIBILITIES

Faculty/Staff should make every effort to maintain an environment that is free from any form of prohibited discrimination/harassment, including sexual misconduct, and are expected to take all allegations of discrimination/harassment seriously and to immediately report the matter to the Chief Officer/Title IX Coordinator. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the Chief Officer/Title IX Coordinator of the complaint.

With the exception of Counseling Services in the Wellness Center, licensed physicians and nurses in the Wellness Center, the Women's, Gender, and Sexuality Center, and Osprey Advocates who are certified victim advocates, Stockton considers all employees to be responsible employees who must report incidences of sexual misconduct to the Chief Officer/Title IX Coordinator for Title IX reporting purposes. Under Title IX, responsible employees include any employee who has the authority to take action to redress harassment, who has the duty to report sexual harassment or any other misconduct, or an individual who one could reasonably believe has this authority or duty, such as resident assistants who are responsible employees in this context.

VI. REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT

Different employees on campus have different abilities to maintain a complainant's confidentiality.

- A. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Within the Wellness Center, only employees of the Women's, Gender, and Sexuality Center, the Osprey Advocates who are certified victim advocates, employees of Counseling Services, and the licensed physicians and nurses in Health Services have the ability to maintain a complainant's confidentiality.
- B. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f), some employees may talk to a complainant, and generally only report to the Campus Police Department that an incident occurred without revealing any personally identifying information, unless the complainant consents to revealing the name. Talking to these employees about an incident will not trigger a police investigation into an incident against the complainant's wishes. In this group are campus security authorities. See IIC for positions that have the campus security authority role, along with the Clery Act crimes they are to report to the Campus Police Department. Reports of sex offenses, which include sexual violence, must be reported to the Campus Police Department under the Clery Act; however, reports of sexual misconduct also must be reported by the campus security authorities to the Chief Officer/Title IX Coordinator under Title IX.

Annually and in writing, the Police Chief notifies Stockton individuals of their designation as Campus Security Authorities (CSA). Individuals holding the following positions are identified as CSAs in Stockton’s Annual Security and Safety Report:

Campus Law Enforcement and Security Officers	On-Call Residential Life Staff
Contract Event Officers and Contract Security Officers	Student Development Event Coordinators
C.O.P.S. and Students Neighborhood Watch Personnel	Chief Officer/Title IX Coordinator Deputy Title IX Coordinators
Vice President, Associate – Student Affairs	Manager, Institutional Diversity & Equity
Dean of Student Affairs (Leaders in Student Affairs)	Administrators at Branch, Satellite or Separate Campuses
Director, Associate, Assistant and Coordinator(s) – of Athletics	Director of Wellness Center
Athletic Coaches and Sport Club Advisors (Full-time, Part-Time and Volunteer)	Assistant Director of Student Development, Greek Life
Athletic Trainers	Deans and Assistant Deans, Academic Affairs (Leaders in Academic Affairs)
Directors in Student Affairs	Human Resources
Faculty or Staff Advisors to Student Organizations	Director of International Services
Facility Access Monitors	Washington Internship Coordinator
Residents Assistants	Assistant VP for Auxiliary Services
Orientation Leaders	

CSAs **must** report Clery Act crimes, which include acts of sexual violence, to the University Police Department. Clery Act crimes are enumerated below.

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault.
5. Burglary
6. Theft of a motor vehicle
7. Manslaughter
8. Arson
9. Hate crimes: above listed crimes 1-8, plus larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property; and other crimes involving bodily injury to any person, in which the complainant is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the complainant

10. Arrests (or persons referred for campus disciplinary action) for liquor law violations, drug-related violations, and weapons possession
11. Domestic violence, dating violence, and stalking incidents

C. Some employees are required to report all the details of an incident (including the identities of both the complainant and accused) to the Chief Officer/Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This information is intended to make individuals, and particularly students, aware of the various reporting and confidential disclosure options available on campus in order to make informed choice about where to turn should they become a target of sexual violence and other forms of sexual misconduct. The University encourages complainants to talk to someone identified in one or more of these groups.

VII. WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED

If you are a complainant of sexual violence:

- Get to a safe place.
- Do not bathe, shower, douche or change your clothes prior to reporting an assault to the police or seeking medical attention. This could greatly assist any investigation of the incident.
- It is recommended that you do not eat, drink, smoke, or urinate in order to preserve evidence.
- Get immediate medical attention for possible injuries, sexually transmitted diseases and pregnancy. A medical exam allows evidence to be collected by a Sexual Assault Nurse Examiner.
- Talk to someone you trust so that you are not alone.
- Believe in yourself. You are not to blame for someone else’s actions.
- Give yourself time to heal.
- Seek professional help.

On-Campus Confidential Safe Places

- Women’s, Gender, and Sexuality Center in the Wellness Center – J-204 | 609-626-3611
- [Counseling Services](#) in the Wellness Center – J-204 | 609-652-4722
- [Health Services](#) in the Wellness Center (Licensed Physicians and Nurses only) – WQ 108 | 609-652-4701
- Osprey Advocates (certified victim advocates) – contact the Atlantic County Women’s Center 24 Hour Crisis Hotline 609-646-6767

Please note that campus office locations and phone numbers may change over time; however, these campus locations and phone numbers are current as of the dated publication of this procedure.

Local Resources**

- AtlantiCare Regional Medical Center, City Division (Atlantic City) | 609-344-4081
- AtlantiCare Regional Medical Center, Mainland Division (Galloway) | 609-652-1000
- Atlantic County Women's Center/SART Team | 800-286-4184
- Catholic Campus Ministry Center | 609-804-0200
- [Rape Abuse & Incest National Network](#) (RAINN) | 800-656-HOPE (4673)
- Atlantic County Women's Center | 24 Hour Crisis Hotline 609-646-6767

**Local resources may have their own confidentiality standards.

The [Wellness Center Healthy Relationships Services](#) also publishes on its website the New Jersey Campus Sexual Assault Victim's Bill of Rights (NJSA 18A:61 E-1 et. seq.).

VIII. INTERIM MEASURES IN SEXUAL MISCONDUCT CASES

Stockton must take immediate steps to protect student complainants of sexual misconduct in the educational setting. Interim measures include, but may not be limited to adjustments in academic, housing, transportation, and on-campus work situations. The steps taken must be sufficient effective action to fully eliminate a sexually hostile or violent environment, prevent its recurrence, and address its effects. These duties are Stockton's responsibility, regardless of whether a student has complained, asked the University to take action, or identified the harassment as a form of discrimination.

Interim measures should minimize the burden on the complainant while respecting the rights of the accused. Factors include the needs expressed by the complainant, severity of allegations, continuing effects on the complainant, any judicial measures (e.g., protection orders) and whether the complainant and accused share residence halls, classes, transportation, or campus job sites.

Various offices on campus share responsibilities in providing interim measures for the complainant and the accused. For example:

- The Women's, Gender, and Sexuality Center in the Wellness Center ensures confidentiality and provides advocacy for a complainant and outreach to students, which includes addressing issues of sexual assault, sexual violence, and gender and sexual identities.
- The [Campus Police Department](#) assists the complainant in the criminal investigative process, obtains and serves restraining order(s), and transports complainant to off-campus medical facility.

- The [Dean of Students Office](#) makes interim suspension decisions, either completely, in a specified manner, or not to interim suspend the accused student.
- The Office of [Student Rights and Responsibilities](#) reviews student conduct rights and proceedings with the complainant and the accused to ensure due process through campus judicial venues for the complainant and the accused.
- The [Counseling Services](#) in the Wellness Center ensures confidentiality and provides follow-up counseling for the complainant and the accused, as well as appropriate referrals.
- [Health Services](#) in the Wellness Center provides, among other services, medical assistance including arranging transportation to an off-campus facility.
- The Chief Officer/[Title IX Coordinator](#), among other actions, supervises the investigations of administrative Title IX complaints and assists the complainant in filing a complaint, if appropriate. At times, the Chief Officer/Title IX Coordinator may need to conduct the administrative Title IX investigation.
- The Office of [Residential Life](#) assists in identifying temporary housing or residence hall relocation if requested or needed.

II. TITLE IX INVESTIGATIONS AND CRIMINAL INVESTIGATIONS IN SEXUAL VIOLENCE CASES

Mediation, even on a voluntary basis, is not an option for resolving complaints of sexual misconduct.

A law enforcement investigation into an act of sexual violence does not relieve Stockton from conducting an administrative Title IX investigation and does not prevent a conduct proceeding. The principal aim of the criminal system, which is separate from the University, is to adjudicate a defendant's guilt and serve justice. Stockton is charged with providing a safe learning environment for all its students – and to give survivors the help they need to reclaim their educations.

Police investigations may be useful to the University for fact-gathering; however, the standard for criminal investigations are different and police investigations or reports are not determinative of whether sexual violence violates Title IX and this policy. Unlike a criminal investigation and proceeding that uses a “beyond a reasonable doubt” standard, an administrative Title IX case follows the Campus Code of Conduct and Campus Hearing Board process, which uses the “preponderance of the evidence” standard. If a Stockton’s Campus Hearing Board determines the accused committed an act of sexual violence, the penalty could include sanctions up to and including, academic and residential suspension and/or expulsion.

IX. ADMINISTRATIVE COMPLAINTS AND HEARINGS

- A. The Chief Officer for Institutional Diversity and Equity oversees all reports and complaints of prohibited discrimination/harassment, including sexual misconduct. Complaints of harassment and other forms of prohibited discrimination are handled by the [Office for Institutional Diversity and Equity](#) (L-214, 609-652-4693).
- B. The Office of Student Rights and Responsibilities (F-107, 609-626-3585) oversees the Campus Code of Conduct (Policy I-55, see also Student Handbook). All incidences involving students, whether as complainants or respondents, are processed through the [Campus Hearing Board](#).
- C. The standard used in determining whether the elements of the complaint against the accused have been demonstrated is the preponderance of the evidence.
- D. A person can make a complaint of unlawful discrimination/harassment, including sexual misconduct, against another student, University employee or official, by filing a complaint with the Chief Officer for Institutional Diversity and Equity. A complaint may be filed against a third party, who is not a University employee or student (e.g. visiting speaker, contractor). Complaints also may be filed with the Office of Student Rights and Responsibilities; however, the Executive Committee of the Campus Hearing Board may refer the case involving faculty and staff to the Office of Institutional Diversity and Equity for disposition.
- E. A complainant may be accompanied by a support person of their choice at all meetings with the Administrative Title IX investigator.
- F. To the extent possible, individuals designated to handle complaints, conduct investigations or participate on campus hearing boards will maintain the confidentiality of complaints, investigations, and hearings. Information gathered in the course of the investigation will remain confidential within constraints of conducting an investigation.
- G. All complaints will be reviewed, prompt and appropriate remedial action, or interim measures will be taken to address any substantiated claim. Stockton seeks to resolve all reports of sex discrimination and sexual misconduct within sixty (60) days. All expressed time frames are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

- H. The parties may appeal determinations resulting from the Campus Hearing Board process or the Office of Institutional Diversity and Equity fact-finding process.
- I. In a complaint of sexual misconduct, the complainant has the right not to report the matter to the Campus Police Department. The complainant also has the right to request that an administrative Title IX investigation *not* be conducted. The Chief Officer/Title IX Coordinator will need to determine whether or not the request can be honored while balancing the complainant's request with the University's responsibility to provide a safe and nondiscriminatory environment for all its students, including the complainant. In doing so, the University must take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating an administrative Title IX investigation or revealing the identity of the student complainant. See section VII for more information on interim measures in sexual misconduct cases.
- J. Sexual misconduct complaints cannot be mediated or addressed through informal or alternative dispute resolution venues.

X. DISCIPLINARY ACTION

Students found to have violated this procedure may be subject to appropriate disciplinary action, up to and including expulsion. Referral to another appropriate authority for review for possible violation of State and Federal statutes also may be appropriate.

XI. EDUCATIONAL PROGRAMS

Stockton University will provide students and employees with information regarding the prevention of prohibited discrimination/harassment, including sexual misconduct, and the procedure to be followed in filing complaints.

XII. OUTSIDE AGENCIES

Inquiries concerning Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act and their implementing regulation can be made to:

Office for Civil Rights/New York
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: (646) 428-3900
Facsimile: (646) 428-3843
Email: OCR.NewYork@ed.gov

Inquiries concerning Americans with Disabilities Act of 1990 as amended can be made to:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – NYA
Washington, DC 20530
Telephone: 800-514-0301
TTY: 800-514-0383
Facsimile: 202-307-1197

REFERENCED DOCUMENT

[Student Handbook](#)

Legislative History

	Date
President	9/24/15