

# William Paterson University

## Student Sexual Misconduct and Non-Discrimination Policy

<b>SUBJECT:</b>	Non-Discrimination and Anti-Harassment	<b>TITLE:</b>	Student Sexual Misconduct and Non-Discrimination Policy (Non-Title IX)		
<b>CATEGORY: Check One</b>	<b>Board of Trustees</b> <input type="checkbox"/>	<b>University</b> <input checked="" type="checkbox"/>	<b>Functional</b> <input type="checkbox"/>	<b>School/Unit</b> <input type="checkbox"/>	
<b>Responsible Executive:</b>	Vice President of Student Development Vice President of Human Resources		<b>Responsible Office:</b>	Employment Equity and Diversity Office	
<b>CODING:</b>	00-01-	<b>ADOPTED:</b>		<b>AMENDED:</b>	
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## Statement of Non-Discrimination and Anti-Harassment for Students

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

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

### I. PURPOSE OF POLICY

William Paterson University does not tolerate any form of sex harassment or sex discrimination; therefore, the purpose of these policies is to inform the community of the misconduct addressed by the University's Employment Equity and Diversity Office. Forms of misconduct governed under these policies includes all forms of: Sexual Misconduct and Gender-Based Harassment ("prohibited conduct").

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

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

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

### II. ACCOUNTABILITY

The Employment, Equity, and Diversity Office is responsible for implementation and enforcement of this policy and procedures. The Employment Equity and Diversity Office will work in junction with the Accessibility Resource Center on matters involving students with disabilities and requests for reasonable accommodations of individuals participating in procedures governed by these policies. Students found responsible for a violation of prohibited conduct will be subject to the Student Code of Conduct and other applicable University policies and procedures.

### III. APPLICABILITY

This policy apply to students, from their time of acceptance and admission into William Paterson University, recognized student organizations, applicants, visitors, and guests<sup>1</sup>, when the prohibited conduct occurs (A) on university property; (B) in the context of any university activity; (C) outside the context of university activities but which may have the effect of posing a serious threat to the university community or creating a hostile environment for any members of the university community; (D) or activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or

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<sup>1</sup> Students may bring complaints under this policy when the Respondent is a University employee the [New Jersey State Policy Prohibiting Discrimination in the Workplace](#) (State Policy)<sup>1</sup> through a separate grievance proceeding.

used in the operations of the University's programs and activities over which the University has substantial control.

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

#### IV. DEFINITION(S) AND KEY TERMINOLOGY

See Appendix C

#### V. BACKGROUND

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

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

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

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

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

#### **Annual Security Report ("ASR")/Crime Statistics**

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

The campus community is encouraged to report all crimes, whether actual, attempted, or suspected, and all emergency situations to University Police. Campus Security Authorities<sup>2</sup>, notified of VAWA related crimes, are required to report this information to University Police within 24 hours. University Police must then report VAWA related crimes to the University Title IX Coordinator(s). The University

compiles and discloses statistics of reports of the types of crimes specified in the Clery Act for the campus and immediately adjacent areas.

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

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

## **Chapter One**

### **Prohibited Conduct and Reporting Options**

#### **Section A: Sexual Misconduct**

**Sexual Misconduct** is an umbrella term which includes a broad range of behaviors that for the purpose of these policies are (1) Sexual Exploitation, (2) Relationship and Interpersonal Violence (3) Stalking, (4) Non-Consensual Sexual Conduct (5) Intimate Partner Violence, and (6) Retaliation

1. **Sexual Exploitation**
2. **Relationship and Interpersonal Violence**
3. **Stalking** (including Cyber Stalking)
4. **Non-Consensual Sexual Contact**
5. **Intimate Partner Violence**
6. **Retaliation**

See Appendix C “Definitions and Key Terminology”

#### **Reporting Sexual Misconduct**

- **Deputy Title IX Coordinator for Students or Title IX Coordinator**
- **Responsible Authority**
- **Local Law Enforcement**
- **Anonymous Report** – An anonymous report will not initiate a formal complaint or the formal grievance process unless deemed necessary by the Title IX Coordinator(s) based on known circumstances.

#### **Reporting to the Title IX Coordinators**

Any person may report sex harassment, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). Such report may be submitted in person, by mail, by telephone, or by electronic mail by contacting the Title IX Coordinator:

**In Person (during normal business hours)**

**Title IX Coordinator**

**Sobia Mahmood, JD**

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

973-720-2389

Office Location – College Hall Room 120

#### **Postal Mail**

William Paterson University  
300 Pompton Road

Employment Equity and Diversity  
C/O Title IX Coordinators  
College Hall Room 120  
Wayne, NJ

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

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

**Supportive Measures and Interim Protections**

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

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

**Supportive Measures**

- Supportive measures may include the following to the extent reasonably available and appropriate:  
Counseling;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus;

Supportive measures are non-disciplinary and non-punitive.

**Interim Protections**

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

Interim measures may include, not limited to:

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

**Access Restrictions**

If a currently enrolled student commits an act on-campus or in the University jurisdiction, that results in arrest, creates a public safety issue, or violates the Student Code of Conduct, the Employment Equity and Diversity Office reserves the right to restrict or remove that student's access to campus. This decision will be made in consultation with University Police and the Title IX Coordinator(s) regarding the level and duration of restricted



access and may also involve input from Academic and Residence Life staff members. Restrictions can be revised as more information becomes available.

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

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

The imposition of access restriction can be requested by contacting the Title IX Coordinator(s) or Institutional Equity, Inclusion and Compliance Office.

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

To request supportive measures and interim measures:

**Title IX Coordinator:**

Sobia Mahmood, J.D.

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

973-720-2389

**Responsible Employees**

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

- **Counseling, Health, and Wellness staff,**
- **The Campus Victims Services Coordinator,**
- **The Women Center staff, and**
- **Physical Plant Operations (“PPO”) non-management staff.<sup>4</sup>**

Certain student employees such as Resident Assistants, Peer Health Advocates, Peer Leaders, and Student Patrol also are required to report incidents of sexual harassment to their supervisors who fall into this category of Non-Confidential Resources and will be required to report to the Title IX Coordinators.

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

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

To the extent possible, consistent with governing law and regulations, information reported to a Responsible Employee(s) will be shared only with people responsible for handling the University’s response to the report (Title IX Coordinators). A Responsible Employee(s) should not share information with law

enforcement without the reporting parties consent or unless the reporting parties has also reported the incident to law enforcement.

### **University Police**

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

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

#### **William Paterson University Police Department**

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

The first building on the left when using Entry One.

Entry One is on Pompton Road near the Catholic Ministry Building.

Emergencies: 911

Non-emergencies: 973-720-2301

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

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

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

### **Anonymous Reporting**

Options for anonymously reporting incidents of sexual violence to William Paterson University officials are available here: [https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1)

Anonymous reports will be reviewed by the Title IX Coordinators but will NOT initiate the formal complaint or grievance process unless Title IX Coordinators are compelled based on known circumstances.

## **Section B: Gender-Based Harassment**

William Paterson University aspires to create an environment that is inclusive and safe for all members of the community. The University has a zero tolerance for gender-based harassment and will act swiftly and effectively when such are reported.

**Gender-Based Harassment** is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities.

1. **Gender-Based Harassment** – In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
  - The frequency, nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the Reporting Party's educational or work performance and/or University programs or activities.
2. Forms of (a) **Bullying**, (b) **Intimidation**, and (c) **Harassment**, or an incident or an action in which a person is made aware that her/his status is offensive to another, but does not rise to the level of a crime.
  - a. Physically or emotionally harming a student, damaging the student's property, or placing a student in reasonable fear of such harm, or
  - b. Insulting or demeaning any student or group of students in such a way as to cause disruption in or interference with the orderly operation of the University, or
  - c. Creating a hostile educational environment for the student by severely and pervasively infringing on the rights of the student and interfering with a student's education or causing physical or emotional harm to the student.
3. **Harassment Hazing** – Hazing is defined as any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, of a sexual nature, regardless of the person's willingness to participate, including behaviors that cause emotional anguish or physical discomfort in order for potential and new member's rookies to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for potential and new members/rookies.

Harassment hazing is a violation of the *University Hazing Policy*: <https://wpunj.edu/campus-activities/policies/Hazing%20Policy%20-%20reformatted%208-19-2019.pdf>

## **Reporting Gender-Based Harassment**

Reporting in person with a designated intake coordinator who will review student rights and resources. The student will have the opportunity to submit a formal complaint and can request an informal resolution (including mediation), or no action.

The University offers several intervention and support services to students that have been the subject of bias or hate related harassment. These include confidential guidance and assistance, informal counseling, mediation, and formal processes for having their complaints reviewed and investigated.

Any student who believes that they have been the subject of harassment may initially choose to deal with the alleged offender directly through a face-to-face discussion, a personal telephone conversation, e-mail correspondence, or letters.

In some cases, this may effectively resolve the situation; however, individuals should not feel pressured to address the individual directly. Such an approach may be ineffective in correcting the problem, or an individual may be uncomfortable in handling the situation alone.

Gender-based harassment seriously undermines the atmosphere of trust essential to the academic environment. The Employment Equity and Diversity office has established procedures for addressing allegations and complaints. The Employment Equity and Diversity office will strive to resolve disputes between students when appropriate.

Students can report gender-based harassment as follows:

- **The Center For Diversity and Inclusion**  
Director for the Center of Diversity and Inclusion  
Yolany Gonell, MSW  
Email: [gonelly@wpunj.edu](mailto:gonelly@wpunj.edu)  
973-720-3264
- **The Employment Equity and Diversity Office**  
Title IX Coordinator  
Sobia Mahmood, J.D.  
Email: [mahmoods10@wpunj.edu](mailto:mahmoods10@wpunj.edu)  
973-720-2389
- **Online Incident Report**  
[https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1)

In the event of an emergency or for immediate assistance, contact University Police at 973-720-2301 or dial 911.

See Sexual Misconduct and Non-Discrimination Procedures for Students section Gender-Based Harassment for the applicable procedures. Gender-Based Harassment incidents may be referred to the Office of Student Conduct for adjudication and sanctioning.

## **Chapter Two**

### **Confidential Disclosure and Resources**

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

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

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

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

Overlook South, 1<sup>st</sup> Floor

Located between Matelson and White Hall

Office: (973) 720-2257

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

a. **Resources for Student Respondents**

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

Student respondents of sexual harassment or sexual misconduct allegations:

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

2. **Confidential Advocates** (available during campus business hours)

The Campus Victims Services Coordinator and members of the staff of The Women's Center can speak with a student without revealing any personally identifying information about an incident to the University. A student can seek assistance and support from these individuals without triggering a university investigation that could reveal the student's identity or that the student has disclosed the incident. Any student, regardless of gender, affectional or sexual orientation, actual or perceived, or gender identity and expression, may speak with a confidential advocate, by contacting:

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

Student Center Suite 117

Office: 973-720-2578

Theresa A. Bivaletz

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

#### **a. Resources and Services for Student Victims**

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

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

- **Academic Schedule:** Request for change in academic schedule due to conflicts with a member of the class can be through the Office of Vice President for Student Development (973-720-2179).
- **Employment Concerns:** Request for change in an on-campus work assignment can be made through the Campus Victim Services Coordinator: 973-720-2578.
- **On-Campus Housing:** Request for alternative housing options can be made through the Office of Residence Life: 973-720-2714.
- **Restraining Orders:** Restraining orders are available to victims of domestic and dating violence, and sexual violence. They may sought at a police department and/or Superior Court. See details in next section and Appendix F.

**Domestic Violence:** If you are a victim of domestic/dating violence, you may be able to get protection in the form of a temporary restraining order that can later become final. A restraining order is a civil order from the Family Part of the Superior Court. It prohibits the abuser from having any contact with you, including over the telephone, in person, or electronically. That means no phone calls, text messages, or e-mails. According to LSNJLAW, you may seek a temporary restraining order at the police department 24 hours a day (including WPU Police Department) in the town where you live, where the act of domestic violence occurred, where the defendant lives, or where you are presently sheltered. Or you may visit the Superior Court (during business hours) at 401 Grand Street, Paterson, NJ.

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

### **Aggregate Data Reporting**

While maintaining a student's confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the Title IX Coordinator and Deputy Title IX Coordinator for Students. This process of data sharing is known as aggregate data sharing. This limited report – which includes no

information that would directly or indirectly identify the student – helps keep the Title IX Coordinator and Deputy Title IX Coordinator for Students informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

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

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

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

### **Prevention Education**

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

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

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

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

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

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

Understanding Consent, and The Three Ds of Bystander Intervention. SCORE was developed by staff and faculty at Princeton University.

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

### **Voices Against Violence**

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



## **Chapter Three**

### **Alternative Resolution**

Alternative Resolution is a voluntary process within the Sexual Misconduct and Non-Discrimination Process that is grounded in Restorative Justice. The Alternative Resolution permits methods (i.e. facilitated conversations, shutting, circling, and mediation) of resolving incidents when the Complainant does not want a formal investigation. Or, when the Title IX Coordinator(s) may seek to resolve certain cases through an alternative resolution 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;*

*Or, a Respondent who fully participates in the process will not be charged with a violation of University Policy. The alternative resolution process will be designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Complainant while still maintaining the safety of the overall campus community.*

**However, the University will not use mediation to resolve cases involving allegations of sexual assault.**

Alternative resolution can take place during the preliminary assessment, the formal investigation, or after its conclusion. If, based on the information known about the incident, the Title IX Coordinator(s) believes such a resolution is possible, the Title IX Coordinator(s) will contact the Complainant. If the Complainant agrees, the Title IX Coordinator(s) will then contact the Respondent. The Alternative Resolution process allows a Respondent in a cases to accept responsibility for their behavior and/or potential Harm.

If both Complainant and Respondent are satisfied with the proposed resolution and the Title IX Coordinator(s) 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(s) will notify the Complainant and Respondent in writing that each has the right to end the informal process at any time.

#### **Alternative Resolution Requirements for Participation**

The Alternative Resolution process will only be used at the request and agreement of **both** the Reporting Party and Respondent and under the direction of the Deputy Title IX Coordinator for Students, Title IX Coordinator, or designee.

In order for the alternative resolution process to be appropriate **both** parties must have an understanding and agree on the necessary elements of the process. Both the Reporting Party and Respondent will have to agree to established terms should they wish to participate in the alternative resolution process.

For matters of sexual assault, domestic & dating violence, the Alternative Resolution process may only be offered after a formal complaint is filed.

**The University will not offer or facilitate an alternative resolution process to resolve allegations that an employee sexually harassed a student, matters of sexual assault, or sexual violence.**

#### **Alternative Resolution Education Outcomes for Students**

- **Restorative practices.** Participation in a discussion by trained facilitators with any persons or departments Harmed and development of a shared agreement of how to correct the Harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative process.
- **Facilitate Conversations.** Participation in a mediated discussion with other disputants facilitated by trained mediators with the hope of developing a negotiated agreement serving as resolution to the dispute. Unlike other sanctions, all participants must voluntarily agree to participate in mediation.
- **Other Discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the University, or other discretionary assignments.

# **Chapter Six**

## **Students Rights and Responsibilities**

### **Section One: Privacy and Confidentiality**

#### **Privacy and Confidentiality of Title IX Coordinator(s)**

The maintain the confidentiality of the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Reporting Party, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder, except as may be permitted by the FERPA regulations.

#### **Sexual History**

The sexual history of the Complainant and/or the Respondent will generally not be used in determining whether a violation of these policies has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. For example, if consent is at issue, the sexual history between the parties may be relevant to determining whether consent was sought and given during the incident in question, although it must be remembered that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or for another specific question raised by an allegation.

#### **Freedoms of Expression**

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

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

#### **Consensual Romantic Relationships**

Consensual, romantic relationships between faculty and other employees and students are generally not considered sexual misconduct and are not prohibited by University policy. Individuals should be aware, however, that these relationships are susceptible to being characterized as non-consensual, and even coercive, if there is an inherent power differential between the parties.

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

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

William Paterson University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including domestic violence, dating violence, stalking,

or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

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

### **New Jersey Sexual Assault Victims Bill of Rights**

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

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

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

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

1. **Human Dignity Rights:** to be free from any suggestion that students must report the crimes to be assured of any other right guaranteed under this policy; to have any allegations of sexual assault treated seriously; the right to be treated with dignity; to be free from any suggestion that students are responsible for the commission of crimes against them; to be free from any pressure from campus personnel to report crimes if the student does not wish to do so, report crimes as lesser offenses than the student perceives the crime to be, refrain from reporting crimes, refrain from reporting crimes to avoid unwanted personal publicity.
2. **Rights to Resources On and Off Campus:** to be notified of existing campus and community based medical, counseling, mental health and student services for students of sexual assault whether or not the crime is formally reported to campus or civil authorities; to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling; to be informed of and assisted in exercising: any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.
3. **Campus Judicial Rights:** to be afforded the same access to legal assistance as the 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.

4. **Legal Rights:** to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported; to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities; to receive full, prompt and student-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.
5. **Campus Intervention Rights:** to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of students by their alleged assailants; to be notified of the options for and provide assistance in changing academic and living situations if such changes are reasonably available.
6. **Statutory Mandates:** Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation. Each campus shall make every reasonable effort to ensure that every student at the institution receives a copy of this document. Nothing in this act or in any "Campus Assault Student's Bill of Rights" developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

## **Section Two: Procedural Due Process**

### **Procedural Due Process**

It should be noted that due process in higher education disciplinary matters does not parallel the requirements of due process in a court of law. However, the University ensures that fundamental requirements of due process in all disciplinary matters will be implemented. These requirements are:

- Students will be notified of alleged policy violations via their William Paterson University email account within a reasonable time period, once the incident report has been received.
- Notification via the responding student's William Paterson University email address of the date, time, and place of the hearing at least five (5) business days in advance of an administrative hearing with a single hearing officer. In cases requiring the University Hearing Board to convene, the responding student will receive a minimum of seven (7) business days' notice.
- The opportunity to present information and eyewitnesses.
- The opportunity to choose any one person as an advisor throughout the conduct process.
- Written notification of findings and sanctions imposed.
- Written notification of an appeal process, if applicable.

### **Consolidation of Investigation**

The Title IX Coordinator(s) retain the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. The Deputy Title IX Coordinator for Students or designee may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **Resources for Respondents**

All students participating in a grievance and investigatory process will be treated equitably and fairly. Students accused of sexual harassment or sexual misconduct will be offered support through the Counseling, Health, and Wellness Center located in Overlook South.

Students accused of domestic/dating violence, stalking and/or sexual violence:

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

Acts of retaliation (including coercion, intimidation, threats, or any other action deemed so by administrators) against any accused student will not be tolerated.

### **Violations of University Policy Unrelated to Prohibited Conduct**

In the situation when an initial assessment or investigation under these policies identifies additional related possible violations of University policy (other than violations of the prohibited conduct governed by this policy) by the same party(ies) that would normally be handled by another the Student Code of Conduct, the Title IX Coordinators, with the cooperation of the Director of Student Conduct, may direct the allegations to Student Conduct for review and adjudication.

### **Accommodation Statement and Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Reasonable accommodations are available for participants with documented disabilities. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator(s) at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. To request disability-related accommodations that will facilitate your full participation in the Sexual Misconduct and Non-Discrimination process, students should contact the Accessibility Resource Center at (973) 720-2853 (voice); or [ARC@wpunj.edu](mailto:ARC@wpunj.edu) (email).

The Title IX Coordinator(s) will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Cooperation with Investigation and Disciplinary Procedures**

William Paterson University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. The University recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes delaying or failing to acknowledge requests from University officials for information, and delaying or failing to make oneself available for meetings with University officials.

It is understood that there may be circumstances in which a Complainant wishes to limit their participation. The Complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.

If a Reporting Party or respondent chooses not to answer any or all questions in an investigation the University process will continue, findings will be reached with respect to the alleged conduct, and the University will issue any penalties, as appropriate.

### **Access Restrictions**

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

A student can be restricted from one or more buildings or areas of campus as well as the entire campus based on the specific circumstances of the incident. The Office of Student Conduct requires that a University Hearing Board be convened to determine the possibility of access reinstatement or separation from the institution. For matters involving sexual harassment, see Removal of Student Respondent and Allegations of Sexual Harassment section under Student Rights and Responsibilities.

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

The imposition of access restriction can be requested by contacting the office of Employment Equity and Diversity or Title IX Coordinator(s).

### **Considerations of the Title IX Coordinators**

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

## **Section Three: Additional Prohibited Conduct**

### **Additional Prohibited Conduct**

#### ***Failure to Comply with Directives***

Students are expected to comply with the directives of University staff operating in their official capacity.

- Failure to comply with a duly issued directive by an authorized University Official or law enforcement officer. A directive may be considered any written or verbal mandate.
- Failures to correctly identify oneself at all times and present this information upon request by a University Official or law enforcement officer.
- Aiding or assisting another to violate University Policy or acting in any way to further a violation of University Policy. Students may be held accountable for the actions of their guest.

#### ***Acts of Retaliation***

Acts of retaliation (including coercion, intimidation, threats, or any other action deemed so by administrators) against any student making a complaint will not be tolerated. This is meant to prevent the malicious use of the Student Code of Conduct against another student for the purpose of re-victimization.

Retaliation includes, no individual or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual

has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Complaints alleging retaliation shall be brought forward to the Title IX Coordinators to be addressed under Title IX related policies and procedures.

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

### **Range of Sanctions for Respondent**

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

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



the residential community at the discretion of the Director of Student Conduct or Office of Residence Life. The student is responsible for any charges that may result from relocating from one residence hall to another.

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

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

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

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

#### VIII PROCEDURE(S)

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

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

The Student Sexual Misconduct and Non-Discrimination Procedures for allegations of: Sexual Harassment and Gender-Based Harassment respectively.

##### **Student Complaint Forms**

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

#### IX. EXHIBIT(S)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Appendix B: Additional Resources**

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

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

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

New Jersey Statewide Domestic Violence Hotline: 800-572-7233

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

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

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

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

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

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

Appointments: 973-720-2360

After hours psychological emergency: 973-720-2257

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

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

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

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

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

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

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

## **Appendix C– Definitions and Key Terminology**

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

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

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

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

Bias-Motivated Incident: an incident or an action in which a person is made aware that her/his status is offensive to another but does not rise to the level of a crime. The purveyors of hate use physical violence, verbal threats of violence, vandalism, and in some cases weapons, explosives, and arson, to instill fear in their victims, leaving them vulnerable to subsequent attacks and feeling alienated, helpless, suspicious and fearful.

Bullying: generally includes any gesture, any oral, written, or electronic communications, or any physical act by a student of the University against another student or group of students of the University, whether it be a single incident or a series of incidents, that is reasonably perceived as being intended to maliciously harass, insult, defame, intimidate, or embarrass such student or group of students in a way that could disrupt or interfere with the orderly operation of the University.

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

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

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

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

Consent: is defined as informed, voluntary and mutual, and may be withdrawn at any time. Consent is not obtained with express or implied force, coercion, intimidation, threat, or duress. Consent to a sexual act must be expressed, and be fully informed and a freely decided choice to participate in sexual contact or intercourse. Consent cannot be assumed or implied by silence or the absence of physical or verbal resistance. Consent is an affirmative, unambiguous and conscious decision. Consent to one type of sex act does not imply consent to other forms and must be ongoing throughout a sexual encounter. Past consent to sexual activity does not imply ongoing future consent with a person or consent to the same activity with another person. If a person is mentally or physically incapacitated or impaired so that a person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation by use of alcohol and/or drug consumption or being asleep or unconscious. Generally, the age of consent in New Jersey is 16. Please refer to NJ State Law for full consent and statutory rape laws.

The following actions render consent null:

- Coercion: Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion renders an individual unable to consent.

- Force: Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact. Force renders an individual unable to consent.
- Incapacitation: A person who is incapacitated is not capable of giving valid, affirmative consent. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of the sexual activity. A person may be incapacitated as a result of a temporary or permanent mental or physical condition, sleep, or unconsciousness. A person may be incapacitated as a result of the consumption of alcohol or drugs. A person who is not incapacitated at the beginning of sexual activity, may eventually reach a state of incapacitation as the activity progresses due to alcohol or drug intake prior to or during the activity. Incapacitation is a state of impairment significant enough to render a person unable to understand the fact, nature, or extent of the sexual activity. For the purpose of this policy, the standard that shall be applied is whether or not a reasonable person would have known, based on the facts and circumstances presented, that the other person was incapacitated and therefore, not capable of giving consent.

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

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

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

For the purposes of this definition:

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

Domestic Violence as violence committed:

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

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

Formal Complaint: means a document filed by a Reporting Party or signed by the Title IX Coordinator or Deputy Title IX Coordinator for Students alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

Gender-based harassment: includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

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

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

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

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

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

Intimidation: An expression through words or acts that implies a threat.

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

Intimate partner violence: which is also referred to as dating violence, domestic violence and relationship violence, can be a state law crime and is prohibited by the VAWA. It includes any act of violence or threatened violence against an individual by a person who is, or has been, involved in a sexual, dating, domestic or other intimate relationship with that individual. Intimate partner violence can encompass a broad range of behavior, including but not limited to physical violence, sexual violence, emotional violence and economic abuse. It may take the form of threats, assault, property damage, and violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. The offending act need not be sexual in nature to be considered "intimate partner violence" if it occurs within or in connection with a past or present sexual or romantic relationship.

Non-Consensual Sexual Contact: 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.

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

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

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

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

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

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

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

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

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

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

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

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

o Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

- Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not



force or threaten the victim, and the victim was under the statutory age of consent, define as Statutory Rape.

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of this definition stalking includes —

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows,

monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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

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

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

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

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

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

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

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

By Direction of the President and Cabinet:

Date

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(Title of Executive or Vice President(s) whose area of responsibility the policy covers.)