

## UNIVERSITY POLICY

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| <b>Policy Name:</b>            | Title IX Policy and Grievance Procedures   |                       |   |   |  |
| <b>Section #:</b>              | 60.1.33  | <b>Section Title:</b> | Human Resources:<br>University-wide HR Policies<br>& Procedures | <b>Formerly Book:</b>   | Formerly Policies<br>10.3.12 and<br>60.1.28<br>(complete<br>rewrite) |
| <b>Approval Authority:</b>     | Board of Governors   |                       | <b>Adopted:</b>   | 08/14/2020<br>(implemented<br>as interim);<br>12/17/2020<br>(officially<br>adopted)   | <b>Reviewed:</b> 10/19/2021  |
| <b>Responsible Executives:</b> | Executive Vice President for<br>Academic Affairs and<br>Senior Vice President for<br>Human Resources |                       | <b>Revised:</b>   | 10/19/2021 (implemented as interim)   |  |
| <b>Responsible Offices:</b>    | Academic Affairs and<br>University Human<br>Resources  |                       | <b>Contact:</b>   | <a href="https://uec.rutgers.edu/programs/title-ix/coordinators/">https://uec.rutgers.edu/programs/title-ix/coordinators/</a><br>Phone: (973) 972-8000<br>Email: <a href="mailto:uec_contact@uec.rutgers.edu">uec_contact@uec.rutgers.edu</a> |  |

### 1. Policy Statement

Rutgers, The State University of New Jersey, is committed to fostering an environment that is safe and secure and free from sexual discrimination and harassment, sexual violence, dating and domestic violence, and stalking. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, and reduce its effects by supporting victims, dealing fairly with offenders, and diligently investigating formal complaints of Covered Sexual Harassment. In addressing these issues, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

### 2. Reason for Policy

The University is required to comply with Title IX of the Education Amendments of 1972 (Title IX), as amended, which prohibits discrimination on the basis of sex in educational programs and activities. The United States Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a person's equal access to the University's educational programs and activities.

On May 19, 2020, the United States Department of Education issued regulations under Title IX that define sexual harassment, address how colleges and universities, including Rutgers, must

respond to reports of misconduct falling within that definition of sexual harassment, and mandate a specific grievance process that the University must follow in those cases.

This Policy describes the ways in which Rutgers will respond to reported instances of sexual harassment that fall within the definition of sexual harassment set forth in the Title IX regulations. Other alleged misconduct, including allegations of sexual harassment that do not fall within the definition set forth in the Title IX regulations, may be addressed under other University Policies and procedures, as described in further detail throughout this Policy.

### **3. Who Should Read this Policy**

All members of the Rutgers University Community.

### **4. Resources**

[University Policy 10.2.11: Code of Student Conduct](#)

[Discrimination, Harassment, Workplace Violence, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties](#)

[University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#)

[University Policy 60.1.13: Policy Prohibiting Workplace Violence](#)

[University Policy 60.1.16: Conscientious Employee Protection Policy](#)

[Office of Employment Equity Formal Complaint Form](#)

[Rutgers Biomedical and Health Sciences \(RBHS\) Students Rights, Responsibilities, and Disciplinary Procedures](#)

New Jersey Campus Sexual Assault Victim's Bill of Rights, N.J.S.A. 18A:61E-1 et seq.

[United States Department of Education, Office for Civil Rights](#)

[United States Department of Justice, Office on Violence Against Women](#)

Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018)

[85 Fed. Reg. 30026 \(May 19, 2020\) \(Title IX Regulations\)](#)

Additional on-campus and off-campus resources are listed at the end of this Policy.

### **5. Definitions**

See Sections IV and V of this Policy for definitions of conduct prohibited by this Policy and other important concepts and definitions.

### **6. The Policy**

#### **I. INTRODUCTION**

Pursuant to Title IX, this Policy provides that the University will respond promptly, and in a manner that is not deliberately indifferent, when the University has actual knowledge of Covered Sexual Harassment prohibited by this Policy, including sexual assault, dating violence, domestic violence, and stalking, that occurs in a University education program or activity against a person in the United States, and is committed by a current Rutgers student, employee, or third party.

As defined below, all Covered Sexual Harassment is prohibited by this Policy. This Policy also prohibits retaliation against any individual who, in good faith, asserts their right to bring a complaint under this Policy (including individuals who make third-person reports), participates or refuses to participate in an investigation or hearing under this Policy, or protests alleged conduct prohibited by this Policy (including retaliation).

The University is committed to responding to all forms of sexual harassment. Reports of misconduct outside the scope of this Policy, including sexual harassment that does not meet the definition of Covered Sexual Harassment prohibited by Title IX and this Policy, may be addressed under other University Policies. Additional information concerning reporting options and applicable policies is set forth below.

## **II. EFFECTIVE DATE**

The Title IX Policy and Grievance Procedures (“Policy”) apply to all reports and/or formal complaints of alleged Covered Sexual Harassment (as defined below) submitted to a Title IX Coordinator on or after August 14, 2020. Complaints submitted prior to August 14, 2020, but not resolved by that date, will be investigated and adjudicated according to this Policy, to the extent practicable, as determined by the Title IX Coordinator.

## **III. NON-DISCRIMINATION IN APPLICATION**

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender, gender identity, gender expression, age, race, nationality, class status, ability, religion, or other protected classes covered by federal or State law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Rutgers’ Policy or process may contact the Department of Education’s Office for Civil Rights using contact information available at: <https://ocrcas.ed.gov/contact-ocr>.

## **IV. DEFINITIONS**

### **A. Covered Sexual Harassment**

For the purposes of this Policy, “Covered Sexual Harassment” includes any conduct on the basis of sex that constitutes one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo harassment);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;
3. Sexual assault (as defined in the Clery Act)<sup>1</sup>, which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (“VAWA”) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined

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<sup>1</sup> Relevant definitions from the Clery Act are included in Appendix D.

based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New Jersey's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New Jersey.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the [University Policy 10.2.11: Code of Student Conduct](#), the [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#), the [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#), or other University Policies.

## **B. Consent**

Consent requires clear and unambiguous communication and mutual agreement for the act in which the participants are involved. Consent will be assessed objectively from the standpoint of a reasonable person in the position of the Respondent.

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

- A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
- Consent can be given by words or actions, as long as those words or actions express willingness to engage in the sexual contact or activity. If there is confusion or ambiguity, participants in sexual activity are expected to stop and clarify each person's willingness to continue.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence or the absence of resistance is not the same as consent.
- Consent must be continually assessed and can be withdrawn at any time.
- The use of alcohol or drugs does not justify or excuse behavior that violates this Policy and never makes someone at fault for being the victim of a violation of this Policy.

## 1. Age

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

## 2. Coercion and Force

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

Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring objections of another person is a form of coercion.

Force refers to the use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

## 3. Incapacitation

Someone who is incapacitated cannot consent. A person is incapacitated when the person cannot make a rational, reasonable decision because the person lacks the ability to understand their decision. A person can become incapacitated as a result of, among other things, physical or mental impairment, involuntary physical constraint, sleep, unconsciousness, or consumption of alcohol or other drugs.

According to New Jersey law, an individual who is physically or mentally impaired may not be able to give consent to sexual activity. Physical or mental impairment may include: visual, speech, or hearing impairment, cognitive impairment; being unconscious or asleep; or being under the influence of alcohol or other substance(s) to the point of being unable to make a decision. The impact of alcohol and other drugs varies from person to person.

## C. Education Program or Activity

For the purposes of this Policy, "education program or activity" includes locations, events, or circumstances over which Rutgers exercises substantial control over both the Respondent and the context in which the Covered Sexual Harassment occurs. This may include, but is not limited to, conduct that occurs in one of the following:

- Any on-campus facility, property, or building owned or controlled by the University.
- Any off-campus premises that Rutgers has substantial control over.

- Buildings or property owned or controlled by a recognized student organization.<sup>2</sup>
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Rutgers' programs and activities over which Rutgers has substantial control.

Rutgers "education programs or activities" are not limited to Rutgers academic programs. Current employees are considered to be participating in a Rutgers program or activity for purposes of this Policy. Conduct that occurs in the workplace or in the course of performing one's duties at Rutgers is considered to take place in a Rutgers program or activity.

#### **D. Formal Complaint**

"Formal Complaint" means a written document (hard copy or electronic) that alleges that a Respondent committed Covered Sexual Harassment within a Rutgers education program or activity and requests initiation of the procedures consistent with the Policy to investigate the allegation of Covered Sexual Harassment. A "Formal Complaint" can only be filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or it must be signed by the Title IX Coordinator.

#### **E. Complainant**

"Complainant" means any individual who has reported being or is alleged to be the victim of conduct that could constitute Covered Sexual Harassment as defined under this Policy.

#### **F. Parties**

"Parties" refers to the Complainant(s) and Respondent(s) in a particular case.

#### **G. Relevant evidence and questions**

"Relevant" evidence and questions refer to any questions and evidence that tend to make an allegation of Covered Sexual Harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the processes described in this Policy:

- Information and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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<sup>2</sup> A "student organization" is an identified group of students who have complied with the formal requirements for University recognition and affiliation and have registered for affiliation with the University, or who are advised by a University department or University employee.

- Information and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent.

#### **H. Respondent**

"Respondent" means any individual who has been reported to have engaged in conduct that could constitute Covered Sexual Harassment as defined under this Policy.

- "Third Party Respondent" means any Respondent who is not a University student, faculty member, or staff member.

### **V. OTHER IMPORTANT CONCEPTS**

#### **A. Role of the Title IX Coordinator**

The University has a Title IX Coordinator for Rutgers University–Camden, Rutgers University–Newark, Rutgers University–New Brunswick, Rutgers Biomedical and Health Sciences, a Title IX Coordinator for employees (the Director of the Office of Employment Equity (OEE)), as well as a Title IX Compliance Officer who serves as the Universitywide Title IX Coordinator. The Title IX Coordinators oversee the administration of this Policy in a neutral and equitable manner and serve as the central points of contact for all University students, employees, faculty, and staff affected by conduct prohibited by this Policy. The Title IX Coordinators are responsible for overseeing the University's response to all reports and complaints of conduct prohibited by this Policy and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

#### **B. Privacy vs. Confidentiality**

*Confidentiality* refers to the ability of identified confidential resources to not report crimes and violations to law enforcement or University officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References to *privacy* mean Rutgers offices and employees who are not identified as confidential resources will share information disclosed, pursuant to sections V.C. and VI.E. below, only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues.

The University will keep the identity of any individual who has made a report or complaint pursuant to this Policy confidential, including the identity of any individual who has made a report or filed a Formal Complaint of Covered Sexual Harassment under this Policy, any Complainant, any individual who has been reported to have engaged in sex discrimination, any Respondent, and any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding under this Policy.

#### **C. Reports vs. Formal Complaints**

Any person may report instances of Covered Sexual Harassment in accordance with this Policy in person, by mail, by telephone, or by electronic mail, using the contact

information listed for the Title IX Coordinator; by the online reporting form found here: [Title IX Reporting Form](#); or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report by a Title IX Coordinator or a Rutgers official with authority to institute corrective measures, the Title IX Coordinator (or designee) will notify the Complainant of the availability of Supportive Measures (with or without filing a Formal Complaint) and the option of filing a Formal Complaint under this Policy to initiate the Grievance Procedures, as well as any other steps deemed necessary and/or appropriate by the Title IX Coordinator. Note that all University employees who are not designated as Confidential Resources are required to notify a Title IX Coordinator upon receipt of a report of alleged Covered Sexual Harassment from a student, and all University managers and supervisors are required to notify the Title IX Coordinator for Employees (Director of the Office of Employment Equity) upon receipt of a report of alleged Covered Sexual Harassment from an employee.

A Formal Complaint as defined in Section IV.C. above must be submitted in order to initiate the Grievance Procedures under this Policy. This means that in order for Rutgers to investigate alleged Covered Sexual Harassment under this Policy, either the Complainant must submit a Formal Complaint indicating that they wish the University to investigate, or a Title IX Coordinator must determine that an investigation is necessary in order to meet the University's obligations under Title IX and submit a Formal Complaint in lieu of the Complainant doing so. Any Complainant who wishes to submit a Formal Complaint should contact a campus or OEE Title IX Coordinator.

#### **D. Disability 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. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process, provided the accommodations will not fundamentally alter the Process. The Title IX Coordinator will coordinate the provision of requested accommodations in a timely manner.

#### **E. Retaliation**

No 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 its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or Formal Complaint, testified, assisted, or participated, or refused to participate in any manner in an investigation, proceeding or hearing. This includes any charges filed against an individual for other policy violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be responsible for retaliation. Retaliation is considered a separate offense from the original complaint and will be considered independently from the merits of the underlying complaint. Complaints alleging retaliation will be investigated in accordance with applicable [University Policy 10.2.11: Code of Student Conduct](#); [RBHS Students Rights, Responsibilities and Disciplinary Procedures Policy](#); or [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#).



## **F. Amnesty for Student Alcohol and Drug Violations**

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

Amnesty does not apply in situations where alcohol or other drugs are used as a tool to facilitate a violation of this Policy and/or instances of illegal alcohol or other drug distribution.

## **G. Designation of University Offices and Employees**

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

## **H. Misconduct Outside the Scope of Title IX**

The University is committed to responding to all reports of harassment and discrimination, and other forms of misconduct, including those that allege conduct that falls outside the scope of Title IX and this Policy. As discussed in further detail below, if a report or Formal Complaint is not investigated or adjudicated under this Policy, the alleged conduct may still be prohibited under other University Policies. The University will investigate and adjudicate any such conduct pursuant to such Policies as applicable, and any individual may file a complaint under such Policies directly. For additional information, see below:

- For reports of harassment, discrimination, or other misconduct outside the scope of Title IX against a faculty or staff member, third party who does business with the University, or someone who is otherwise affiliated with the University, but not a University student, please refer to [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#), and accompanying procedures, or contact the University's Office of Employment Equity.
- For reports of harassment, discrimination, or other misconduct outside the scope of Title IX against a student, please refer to the [University Policy 10.2.11: Code of Student Conduct](#) or [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#) or contact the Title IX Coordinator at the appropriate Chancellor unit/campus.

In addition, depending on the nature of the allegations, additional charges under other Policies may apply even where some allegations are investigated under this Policy. Generally, when portions of the report or Formal Complaint include conduct that would not constitute Covered Sexual Harassment under this Policy, the Title IX Grievance Process will only be applied to investigate and adjudicate the allegations that constitute Covered Sexual Harassment. However, the Title IX Coordinator and the office responsible for addressing other misconduct have discretion to determine whether those additional charges will be addressed under this Policy, or under other applicable policies.

## **VI. REPORTING COVERED SEXUAL HARASSMENT**

The University strongly encourages students, faculty, and staff to report all conduct that may be prohibited by this Policy as promptly as possible so that the University can respond effectively.

Any person may report Covered Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Covered Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, by the online reporting form, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the contact information for Title IX Coordinators as listed in the online reporting form and the Resources section of this Policy.

Any person may report or meet with a Title IX Coordinator (or member of their staff), the Rutgers University Police Department (RUPD), or any confidential resource (see VI.D.) to ask questions about the process before deciding to file a Formal Complaint.

In cases where an incident is reported to a Title IX Coordinator or RUPD by someone other than the alleged victim (such as a supervisor, faculty member, resident advisor, colleague, friend, or roommate, for example), the Title IX Coordinator will promptly notify the alleged victim that a report has been received. The Title IX Coordinator will make every effort to meet with the alleged victim to discuss available options and on-campus and off-campus resources. The alleged victim will have the option to file a Formal Complaint with the Title IX Coordinator but is not required to participate in any resulting investigation or disciplinary process.

### **A. Reports Against Students**

If the Respondent is a student, the allegation generally will be addressed by the Title IX Office at the Rutgers campus with the ability to provide supportive measures for the Complainant and/or with disciplinary authority over the Respondent.

### **B. Reports Against Faculty and Staff**

If the Respondent is a faculty or staff member, the allegation generally will be addressed by the University's Office of Employment Equity (OEE). Additionally, if the Respondent is a student employee and the Covered Sexual Harassment occurred in the context of their employment, the allegation(s) generally will be addressed by OEE.

### **C. Reports Against Third Parties**

Any Respondent who is not a University student, faculty member, or staff member is generally considered a Third Party. The University's ability to take appropriate corrective action against a Third Party will depend on the nature of the Third Party's relationship to the University. Generally, if a report of Covered Sexual Harassment is made against someone who has no affiliation with the University, the University's ability to take corrective action against such a person may be limited, though the University will still offer the Complainant supportive measures as defined in Section VII.A., below.

1. OEE generally will address allegations against a Third Party Respondent who, during the relevant time period, was:
  - an applicant for employment with the University, or
  - doing business with the University (e.g. as a contractor, subcontractor, vendor, intern, or volunteer).
2. The Title IX Office at the Rutgers campus with the ability to provide supportive measures for the Complainant generally will address allegations against a Third Party Respondent who, during the relevant time period, was:
  - the guest of a student, or
  - a non-student residing in University-owned or University-controlled housing, or
  - a participant in a University Program or Activity (e.g., a participant in a summer camp; an individual attending a Program or Activity by invitation or that is open to the public).
3. The Universitywide Title IX Coordinator will determine which office(s) will address allegations against all other Third Party Respondents.

#### **D. Confidential Resources**

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

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

Appendices A and B contain a complete list of the confidential resources on each campus. Members of the Rutgers community may use these confidential resources whether or not they make a report to a Title IX Coordinator or participate in University disciplinary proceedings or the criminal process.

#### **E. Responsibilities of Faculty, Staff, and Other Non-Confidential University Employees Following Receipt of a Report**

The University recognizes that individuals, including students, may be most comfortable disclosing sexual violence and other prohibited conduct to a University member they know well, such as a faculty member, coach, or resident advisor. These "non-confidential" employees will protect and respect an individual's privacy to the greatest extent possible and share information only on a need-to-know basis; however, they cannot serve as a confidential resource.

Any University employee (other than the confidential resources identified in Appendices A and B) who receives a report about conduct prohibited by this Policy involving a student is required to inform the appropriate Title IX Coordinator about the incident. Information about Covered Sexual Harassment that a student includes in a classroom assignment is considered a report and must be shared with the Title IX Coordinator. Similarly, University supervisors and managers are required to inform the Title IX Coordinator for Employees (Director of the Office of Employment Equity) of any reported conduct prohibited by this Policy involving other employees. This means that these individuals are required to report to the Title IX Coordinator all relevant details, including the names of the individual who made the report, the alleged victim (if different), the alleged Respondent, any witnesses, and other known relevant facts. These reporting requirements aim to ensure that all potential Complainants are provided with appropriate resources and supportive measures, even if they do not wish to pursue a Formal Complaint.

Notwithstanding this requirement, the University encourages all members of the University community to report conduct prohibited by this Policy directly to a Title IX Coordinator.

#### **F. Public Awareness Events**

The University supports public awareness events such as Students Challenging Realities and Educating Against Myths (SCREAM) Theater events, "Take Back the Night" events, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. Disclosure by a student at such events of incidents of prohibited conduct is not considered a report under this Policy that a University employee would be required to relay to a Title IX Coordinator. Additionally, there is no duty to report information received through a person's participation as a subject in an Institutional Review Board-approved human subjects research protocol, except as required by other University policies or law.

#### **G. Law Enforcement**

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

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

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

Nothing in the Policy prevents a Complainant from seeking the assistance of State or local law enforcement alongside the appropriate on-campus process.

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

## VII. NON-INVESTIGATORY MEASURES

### A. Supportive Measures

Supportive measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to any party (Complainant or Respondent), at any time. Such measures are designed to restore or preserve equal access to Rutgers education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all Parties or the Rutgers community, or deter sexual harassment. Parties may request supportive measures even in cases where no Formal Complaint has been filed, no investigation or informal resolution occurs, and/or where either party declines to participate in University disciplinary proceedings.

As appropriate, supportive measures may include, but are not limited to:

- Counseling
- Deadline extensions or other course-related adjustments
- Modifications of work or class schedules
- Tutoring services
- Campus escort services
- Restrictions on contact between the Parties (“No Contact Orders”)
- Changes in on-campus work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

Any decisions regarding supportive measures shall be made by the appropriate Title IX Coordinator, in consultation with relevant University administrators and the Party requesting supportive measures. .

Failure to comply with certain supportive measures, such as a No Contact Order or other measures taken to separate the Parties in academic, employment, or extracurricular settings, may be a violation of [University Policy 10.2.11: Code of Student Conduct](#); [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#); [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#); or other University Policies, and may lead to additional disciplinary action.

### B. Emergency Removal and Administrative Leave

The University retains the authority to remove a Respondent from a Rutgers program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Covered Sexual Harassment justifies a removal.

For cases involving student Respondents, Rutgers will follow the procedures as described in [University Policy 10.2.12: Safety Intervention Policy](#) when making a determination regarding emergency removal from any aspect of a Rutgers program

or activity.

For cases involving employee Respondents, Rutgers retains the authority to place student and non-student employee Respondents on administrative leave from their employment during the Title IX Grievance Process in accordance with applicable laws, Policies and collective negotiations agreements.

## **VIII. TITLE IX GRIEVANCE PROCESS**

### **A. Rights of the Parties**

The University is committed to providing accessible, prompt, thorough, and fair methods of investigation and resolution of Formal Complaints filed under this Policy. To this end, in addition to the procedural rights afforded throughout this Policy, the Complainant and Respondent are entitled to the following overarching rights:

1. To be treated with dignity by all persons involved in resolution processes under this Policy.
2. To reasonable accommodations for any documented disabilities.
3. To a reasonably prompt and thorough investigation of the allegations.
4. To a fair hearing.
5. To equal access to information, evidence, and University resources, including information pertaining to counseling services (See Appendix A, Resources for Complainants, and Appendix B, Resources for Respondents).
6. To an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations).
7. To information about this Policy.
8. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout the resolution process.
9. To have reasonable steps taken to prevent any unnecessary or unwanted in-person contact with the other Party(ies) during the resolution process including modifications to the live hearing process.
10. To report the incident to law enforcement at any time.

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

### **B. Conflicts of Interest or Bias**

The University requires that any individual participating in the process as a Title IX Coordinator, investigator, decision-maker, facilitator of an informal resolution process, or appeals officer disclose any potential or actual conflict of interest or bias. If a Party believes that any of those individuals has a conflict of interest or bias, they may make a request to the Title IX Coordinator that the individual not participate. This request must be submitted in writing to the Title IX Coordinator within three (3) days<sup>3</sup> after notification of that person's involvement in the process. Any request must include a

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<sup>3</sup> References to days in this Policy refer to working days.

description of the conflict or bias. If the Title IX Coordinator determines that a conflict of interest or bias may exist, the University will take steps to address the conflict or bias in order to ensure an impartial process. A Party who believes that the Title IX Coordinator has a conflict of interest or bias may make a request to University Ethics and Compliance that the Title IX Coordinator not participate.

### **C. Filing a Formal Complaint**

A Complainant must submit a Formal Complaint, as defined in Section IV.D., above, to initiate the Title IX Grievance Procedures. When filing a Formal Complaint under this Policy, Complainants must be currently participating in, or attempting to participate in, the education programs or activities of the University (which may include participation as a student, employee, or third party).

The Complainant's signature (or other indication that the Complainant is the person filing the formal complaint) on the Formal Complaint indicates the Complainant's desire to have the Formal Complaint addressed under this Policy. In all cases, University personnel will reveal information about the identities of the Parties, including the identity of the Complainant, only to those who need to know in order to carry out their duties and responsibilities and/or as necessary to comply with this Policy or applicable law. This may include the investigators assigned to the case, potential witnesses, the Respondent, and University administrators involved in the disciplinary process or implementation of supportive measures.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator will determine whether it is necessary to initiate a complaint so that the University can respond to the reported conduct of which it has actual notice in a way that is not deliberately indifferent. The Title IX Coordinator will consider various factors in this assessment, such as the availability of independent evidence of the allegations, the nature of the allegations, and/or whether there have been other similar complaints about the same Respondent. If the Title IX Coordinator initiates a Formal Complaint, the University will inform the Complainant of this decision in writing. The Complainant will not be required to participate in the process but will receive all procedural notices issued under this Policy.

Rutgers 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.

### **D. Notice of Allegations**

If a Formal Complaint is filed, the Title IX Coordinator will provide the Notice of Allegations set forth in the Formal Complaint to the Complainant and the Respondent. Such notice will occur as soon as practicable, *but* no more than five (5) days after the University receives a Formal Complaint of the allegations, absent extenuating circumstances, or if the University needs more time to gather all required information for the Notice of Allegations.

The Parties will be notified by their Rutgers email accounts if they are a student or employee, and by other reasonable means if they are neither. It is the responsibility of Parties to maintain and regularly check their Rutgers email accounts.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

Following review of the Formal Complaint and after providing Notice of Allegations to the Parties, the Title IX Coordinator may determine that all or part of the Formal

Complaint must or should be dismissed, and, if so, will issue a Notice of Dismissal. If the Title IX Coordinator determines that part of the Formal Complaint will be dismissed, all Parties will also receive the Notice of Dismissal described in Section VII.F.3.

## 1. Contents of Notice of Allegations

The Notice of Allegations will include the following:

- A copy of this Policy, either electronic or hardcopy as appropriate.
- The allegations potentially constituting Covered Sexual Harassment,<sup>4</sup> including sufficient details of the allegations needed to enable the Parties to prepare for an initial interview. Sufficient details include the identities of the Parties involved in the incident (including, but not limited to, the Complainant), the conduct allegedly constituting Covered Sexual Harassment, and the date and location of the alleged incident, to the extent such information is known at the time the Notice of Allegations is issued.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Grievance Process.
- A statement that the Parties may have a support person of their choice present throughout the investigation and hearing processes.<sup>5</sup>
- A statement that the Parties may have an advisor of their choice to conduct cross-examination at the hearing who may be, but is not required to be, an attorney.
- For student Parties, a statement that they will have access to a list of campus liaisons to provide assistance throughout the Title IX process.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that either tends to prove or disprove the allegations, whether obtained from a Party or other source.
- A statement that University Policies prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

## 2. Ongoing Notice

If, during the course of an investigation, the University decides to investigate allegations that are not included in the initial Notice of Allegations but may

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<sup>4</sup> The Notice of Allegations may also contain notice of related violations of other University policies.

<sup>5</sup> For the purposes of compliance with VAWA, an individual may choose to have a support person or advisor as a VAWA “advisor” throughout the grievance process.



constitute Covered Sexual Harassment falling within this Policy, the Title IX Coordinator will issue an updated Notice of Allegations to notify the Parties of the additional allegations being investigated. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

#### **E. Determining Jurisdiction**

If all of the following elements are met in the reasonable determination of the Title IX Coordinator, the University will investigate the allegations according to the Title IX Grievance Process set forth in this Policy:

1. The conduct is alleged to have occurred in the United States;
2. The conduct is alleged to have occurred in a Rutgers program or activity; and
3. The alleged conduct, if true, would constitute Covered Sexual Harassment as defined in this Policy.

#### **F. Dismissal of a Formal Complaint**

##### **1. Mandatory Dismissal**

If any one of the jurisdictional elements defined in Section VIII.E above is not met, the Title IX Coordinator will notify the Parties in writing that the Formal Complaint is being dismissed for the purposes of this Policy. Either party may appeal this dismissal using the procedure outlined in Section VIII.F.4., "Appeal of Dismissal of Formal Complaint," below.

##### **2. Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- a. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- b. The Respondent is no longer enrolled at or employed by Rutgers; or,
- c. If specific circumstances prevent Rutgers from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Either party may appeal this dismissal determination using the process outlined in Section VIII.F.4., "Appeal of Dismissal of Formal Complaint," below.

##### **3. Notice of Dismissal**

Upon reaching a decision that the Formal Complaint or any specific allegation within the Formal Complaint will be dismissed under this Policy under this Section VIII.F., the Title IX Coordinator will promptly send written notice of the dismissal, including the reason for the dismissal and information on the appeals process, simultaneously to the Parties through their Rutgers email accounts or other reasonable means.

#### **4. Appeal of Dismissal of Formal Complaint**

Where all or part of a Formal Complaint is dismissed under this Section VIII.F., either Party may file an appeal of that decision within three (3) days of receipt of the Notice of Dismissal by filing a written appeal with the appropriate Appeals Officer. Information on where to direct any appeal in a particular case will be set forth in the Notice of Dismissal. The Appeals Officer will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker(s) in the same matter.

The only permitted grounds to appeal a Dismissal at this stage in the process are: (i) conflict or bias by the Title IX Coordinator who issued the Notice of Dismissal, or (ii) error in the conclusion that the Formal Complaint does not fall within the scope of this Policy.

The Appeals Officer will issue a decision within five (5) days, which will be provided to all Parties. If the Appeals Officer finds that the Title IX Coordinator had an impermissible conflict of interest or bias, a new Title IX Coordinator will be assigned to the case and will reevaluate the Formal Complaint. If the Appeals Officer determines that the dismissed allegations in the Formal Complaint do fall within the scope of this Policy, the Parties will be so notified, and the investigation will proceed accordingly.

#### **5. Discretion to Investigate Dismissed Complaints or Allegations Under Other University Policies**

Upon dismissal for the purposes of Title IX, the University retains discretion to determine whether to investigate the reported allegations under another University Policy, including but not limited to [University Policy 10.2.11: Code of Student Conduct](#); [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#); or [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#), in which case the Parties will receive separate notice in accordance with the applicable Policy and procedures.

### **G. Support Persons, Advisors, & Campus Liaisons**

The University will provide the Parties equal access to information about available advisors and support persons. Any restrictions on advisor or support person participation will be applied equally. Except where explicitly stated in this section, the University expects Parties to participate in the process directly and not through an advocate or representative.

#### **1. Support Persons**

The Parties have the right to select a Support Person to provide support and assistance throughout the Title IX process. A Party may be accompanied by a Support Person to any meeting or hearing to which they are required or are eligible to attend. A Support Person cannot represent the Party during any investigatory meeting/interview or proceeding and cannot address an investigator/Decision-maker(s) unless they are designated as an Advisor for the hearing process or are otherwise granted permission by the investigator/Decision-maker(s).

#### **2. Advisors**

The Parties have the right to select an Advisor of their choosing to conduct cross-examination at the hearing. A Party's Advisor of choice may be, but does

not need to be, an attorney.<sup>6</sup> The Parties can choose to have their Support Person fulfill this function or may select an additional individual to serve as the Advisor at the hearing. While the Advisor may attend any investigatory meeting/interview, the Advisor cannot represent the Party during any such meeting/interview, unless otherwise granted permission by the investigator.

As discussed in Section VIII.J.6. below, the Party's Advisor will conduct cross-examination during the hearing. If a Party does not select an Advisor for this purpose, or the chosen Advisor does not attend the hearing, Rutgers will provide the Party with an Advisor for the sole purpose of conducting cross-examination at the hearing.

### **3. Campus Liaison**

Student Parties have the right to select a Campus Liaison to assist them through the Title IX process. A Campus Liaison is a member of the University community who has been trained to provide support and guidance to student Parties engaged in a Title IX Process. If the student Party designates the Campus Liaison as a Support Person or Advisor, the Campus Liaison may accompany the student Party to any meeting or hearing, within the guidelines of Sections VIII.G.1. and VIII.G.2., above.

### **4. Advisor and Support Person Availability**

The University will not intentionally schedule meetings or hearings on dates where the Advisors and/or Support Persons for all Parties are not available, provided that the Advisors and Support Persons act reasonably in providing available dates and work collegially to promptly find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other policies apply to matters governed under this Policy, and Rutgers cannot agree to extensive delays solely to accommodate the schedule of an Advisor or Support Person. The determination of what is reasonable shall be made by the Title IX Coordinator or investigator.

The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor or Support Person, and the University may offer the Party the opportunity to obtain a different Advisor or utilize one provided by Rutgers.

## **H. Informal Resolution**

The University recognizes that some individuals may prefer not to go through an investigation. An informal resolution process is available in all cases, except to resolve Formal Complaints by students against employees.<sup>7</sup>

Informal resolution is a voluntary, remedies-based, structured interaction between or among affected Parties that balances support and accountability. Informal Resolution is offered in various forms, but is generally designed to allow a Respondent to acknowledge harm and work toward repairing harm (to the extent possible) experienced by the Complainant and/or the University community. Informal Resolution is designed to eliminate the prohibited conduct, prevent its recurrence,

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<sup>6</sup> An actual or perceived conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to a particular case, or the Advisor's status as a potential witness does not prohibit someone from serving as an Advisor.

<sup>7</sup> Use of an informal resolution process to resolve Formal Complaints of Covered Sexual Harassment by students against employees is expressly prohibited by the Title IX Regulations

and remedy its effects in a manner that meets the needs of the Complainant while maintaining the safety of the campus community.

Informal Resolution processes aim to identify and repair harm in the community, restore wellness, and promote communication, engagement, and cooperation. Informal Resolution options may include educational programs and workshops, impact statement discussions, one-on-one meetings with staff, mediation, or Restorative Practices.

A Formal Complaint must be filed in order to proceed with an Informal Resolution. A Complainant may request an Informal Resolution at the time of filing a Formal Complaint. Alternatively, either Party may request to halt the investigation or hearing and proceed with an Informal Resolution at any point prior to the Decision-maker(s) reaching a determination regarding responsibility. When a party requests Informal Resolution, the Title IX Coordinator will review the matter to confirm that Informal Resolution is appropriate. Participation in an Informal Resolution process is voluntary, the Parties must consent in writing to participation, and either Party can request to end the Informal Resolution process at any time and pursue or resume an investigation. The University may also unilaterally end the process at any time and pursue or resume an investigation. Information gathered and utilized in Informal Resolution cannot be used in any other University process, including a formal investigation, if Informal Resolution ends unsuccessfully. If Informal Resolution efforts are unsuccessful and the Complaint is not dismissed pursuant to section VIII.F., the investigation and/or disciplinary process will resume.

Completion of all Informal Resolution processes must be documented and approved by the Title IX Coordinator to ensure consistency with the University's Title IX obligations. Upon approval, the Formal Complaint process will be concluded, the matter will be closed and both Parties will be provided with written notice of the resolution. The Parties are bound by the terms of the Informal Resolution, and they cannot request a formal investigation of the same matter. A party's failure to comply with any agreement reached during Informal Resolution may result in a violation of [University Policy 10.2.11: Code of Student Conduct](#) or other applicable University policies, and details regarding the underlying matter may be considered in sanctioning.

## **I. Investigation Procedures**

### **1. Timeframes**

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

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, generally no longer than ninety (90) days after the filing of the Formal Complaint, excluding all appeals processes.

The University will endeavor to resolve every complaint in a fair, impartial, and timely manner. The University recognizes that each case has its own unique circumstances, and that timeframes for each stage of the process may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, holidays, study periods, or final exams). . Timeframes for Informal Resolution and for the Grievance Process may be extended for good cause, including but not limited to: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the case, including the number of witnesses and volume of information provided by the Parties; the need for

language assistance or accommodation of disabilities; or as otherwise necessary to ensure the integrity and completeness of the process, as determined by the Title IX Coordinator. . The University will notify the Parties in writing of any extensions of timeframes and the reason for the extension.

The University's process for responding to, investigating, and adjudicating Formal Complaints under this Policy will continue during any law enforcement proceeding or civil proceeding. The investigation may need to be temporarily delayed at the request of law enforcement, but will resume as soon as possible and generally will not wait for the conclusion of any related criminal proceeding.

## **2. Timeframe Extension Requests by Parties**

All participants are expected to make themselves reasonably available for any meetings and hearings as requested by the Title IX Office or OEE.

Either Party may request an extension during the Grievance Process for good cause, provided that the requestor provides reasonable notice, and the delay does not overly inconvenience other Parties. All extension requests must be submitted in writing to the Title IX Coordinator or investigator. The Title IX Coordinator or investigator has sole judgment to grant or deny all extensions in the Process.

## **3. General Principles of Investigations**

### **a. Roles of the Investigator and Title IX Coordinator**

A specially trained investigator (or team of investigators) will be assigned to investigate the conduct alleged to constitute Covered Sexual Harassment after the Notice of Allegations is issued. The investigation will include interviewing the Complainant, Respondent, and witnesses, and gathering information directly related to the complaint. The Title IX Coordinator will communicate with the investigators regularly to ensure that the investigation is thorough, impartial, and fair. The Title IX Coordinator will also ensure that the Parties are updated throughout the investigative process, including with timely notice of meetings where either or both Parties may be present.

### **b. Burden of Proof and Collection of Evidence**

Rutgers uses the preponderance of the evidence standard for investigations of Formal Complaints under this Policy. This means that the investigation determines whether it is more likely than not that a violation of the Policy occurred.

Rutgers, and not the Parties, has the burden of proof and burden of gathering evidence. Rutgers is responsible for proving a violation of this Policy has occurred. The burden of proof and burden of gathering evidence does not rest with either Party. However, all Parties will have an opportunity to provide information or evidence during the course of the investigation.

Investigators have the burden of gathering and storing all information identified by the Parties, identifying and collecting other information related to the allegations, and determining what information is relevant to the Formal Complaint, as defined in this Policy.

Any Party may decide not to share their account of what occurred or may decide not to participate in the investigation; however, any Party that wants to identify witnesses or provide information is expected to do so as early in the process as possible.

c. Restrictions on University's Access to Medical Records

Rutgers cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable), or from the person whose information the records include.

**4. Notice of Interviews and Meetings**

The University will provide, to any individual whose participation is invited or expected, written notice at least five (5) days in advance, of the date, time, location, participants, and purpose of all investigative interviews or other meetings (excluding intake meetings that occur prior to the filing of a Formal Complaint), with sufficient time for such individual to prepare to participate. Parties or witnesses may waive the notice period and agree to meet within a shorter timeframe.

Parties will also be notified in writing that they may bring one Support Person and/or one Advisor to each interview or meeting.

**5. Collection, Storage, and Review of Information**

The investigator will provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, as part of the investigation process. The investigator may interview fact and expert witnesses or collect a written statement from them in lieu of a live interview. Investigators also have discretion not to interview a witness if they determine the witness does not possess relevant information.

The investigator(s) will give the Parties and witnesses an opportunity to submit any information, including but not limited to, documents, communications, photographs, videos, audio recordings, text messages, social media posts, and any additional information that relates to the alleged Covered Sexual Harassment. The investigator(s) will also work with the RUPD and other campus offices to gather pertinent documentary materials (if any) and other related information.

All information and records will be stored in a secure manner in accordance with law and University policy.

Prior to completion of the investigation, the Parties will have an equal opportunity to review and respond to the information obtained through the investigation that directly relates to the allegations in the Formal Complaint. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the information prior to conclusion of the investigation.

Information that will be available for inspection and review by the Parties will be any information that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the University in making a determination regarding responsibility; and
- Inculpatory or exculpatory evidence (meaning evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

*All Parties must submit any information they would like the investigator to consider before the Parties' time to inspect and review evidence begins.*

Federal regulations require that the Parties be given access to all evidence that is directly related to the allegations in the Formal Complaint prior to the conclusion of the investigation so that the Parties may respond and/or prepare for the hearing. In order to protect the privacy of all Parties and ensure that evidence is used only for purposes related to this Title IX Grievance Process, prior to obtaining access to any information, the Parties and their Support Persons, Campus Liaisons, and Advisors must sign an agreement not to disseminate, photograph or otherwise copy any information obtained during the investigation or hearing process. Once signed, this agreement may not be withdrawn. This agreement does not prohibit the Parties from generally discussing with others the allegations under investigation, or from speaking with their Advisor, Support Person and/or Campus Liaison about the facts and evidence of the case.

The investigator(s) will send the information made available to each party and each party's Advisor, if any, to inspect and review. The specific means or technology used to provide the information may vary depending on the circumstances of the case and the University shall have the sole discretion to determine the appropriate format in which information is made available and any restrictions or limitations on access.

The Parties will have ten (10) days to review the information and submit a written response by email to the investigator(s). If Parties do not provide the investigator(s) with a written response within ten (10) days, it will be assumed they reviewed all of the information and chose not to respond. The investigator(s) will consider the Parties' written responses before completing the Investigation Report.

The investigator(s) will provide copies of each Parties' written responses to all other Parties and their Advisors, if any.

Any information subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

## **6. Investigation Report**

At the conclusion of the investigation, the investigator(s) will prepare an Investigation Report that fairly summarizes relevant information. The Investigation Report is not required to catalog all information obtained by the investigator(s), but only to provide a fair summary of that information. Only relevant information (including both inculpatory and exculpatory – tending to prove or disprove the allegations) will be referenced in the Investigation Report. The Investigation Report may detail a timeline of the case and summarize relevant supporting documentation. The report may also include the investigators' assessment of individual credibility. Any information or evidence deemed irrelevant will be kept as part of the case file and stored in a secure database but will not appear in the Investigation Report.

The investigator(s) may redact irrelevant information from the Investigation Report when that information is contained in documents or evidence that is/are otherwise relevant.

The investigator(s) will send the report to the Complainant, Respondent, and their Advisors, and allow them an equal opportunity to review and respond to the report within ten (10) days. If Parties do not provide the investigator with a written response within ten (10) days, it will be assumed they reviewed the investigation report and chose not to respond. Upon receipt of a written response to the report from either Party, the investigator may, but is not required to, amend the investigation report, if deemed necessary. The investigator will then provide the complete investigation report, including each Parties' responses, to the Complainant, Respondent, their

Advisors, and the case decision-maker(s), at least ten (10) days prior to the scheduled hearing.

## **J. Hearing**

The University will not issue a disciplinary sanction arising from an allegation of Covered Sexual Harassment without holding a live hearing unless otherwise resolved through an Informal Resolution process. Neither Party can waive the right to a live hearing.

### **1. Notice of Hearing**

The Title IX Coordinator will provide simultaneous written notice of the hearing to the Parties no less than ten (10) days prior to the hearing. Such notice will include:

- the specific allegations;
- the name of the Decision-maker(s);
- the time, date, and location of the hearing;
- for cases involving a student Party, a list of the names and contact information of University-trained Campus Liaisons;
- information on requesting accommodations for a documented disability or a translator;
- a statement directing each Party to supply the Title IX Coordinator or Office of Employment Equity, as applicable, with additional witness information and/or any supporting documents they intend to introduce for the first time at the hearing at least five (5) working days before the hearing;
- a statement that each Party may raise any objections regarding the Decision-maker's actual or perceived conflicts of interest or bias;
- a statement that each Party is entitled to have an Advisor of choice conduct cross-examination on their behalf during the hearing, and a request that the Party notify the Title IX Coordinator at least five (5) working days prior to the hearing if the Party does not intend to select their own Advisor and will require that an Advisor be provided for them; and
- a copy of or a hyperlink to the Hearing Decorum Guidelines, and a statement that a participant's failure to abide by the Guidelines may result in their removal from the hearing.

### **2. Pre-Hearing**

The Title IX Coordinator (or designee) will offer to schedule a Pre-Hearing Conference with each Party and their Advisor, Support Person and/or Campus Liaison, no later than two (2) days before the scheduled hearing.

The purpose of a Pre-Hearing Conference is to discuss the hearing procedures; to discuss any technology that will be used at the hearing and how to operate such technology; to discuss the time allotted for the hearing and any time limitations; to identify the names of the witnesses that will be asked to appear at the hearing; to determine how to address new evidence that the Parties seek to



offer at the hearing that was not previously available during the investigation (in accordance with Section VIII.J.5.d., below); and to resolve any other matters that the Decision-maker determines, in their discretion, should be resolved before the hearing. Inability to schedule or a Party's failure to attend a Pre-Hearing Conference is not grounds to postpone the hearing.

The Parties will be given access to the complete case file upon request prior to the hearing. The case file will contain the Investigation Report, information provided by the Parties, and any additional information gathered by the investigator(s) during the investigation that is directly related to the allegations in the Formal Complaint.

### **3. Participation and Attendance at the Hearing**

Live hearings are not public. The only individuals permitted to participate in the hearing are the Parties; the Decision-maker(s); the Parties' Advisors; the Parties' Support Persons; witnesses; and staff member(s) managing logistical and technical aspects of the hearing.

Participation in the hearing is voluntary. The University will proceed with the live hearing in the absence of any party and may reach a determination of responsibility in their absence. (See Section VIII.J.6. below). Rutgers will not threaten, coerce, intimidate, discriminate, or retaliate against any party or witness in an attempt to secure that individual's participation. The Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's (or witness's) absence from the live hearing or refusal to answer cross-examination or other questions.

All participants at the hearing, including the Parties, witnesses, Support Persons, and Advisors are expected to behave in a civil and appropriate manner, and are required to comply with the Hearing Decorum Guidelines. A participant's failure to abide by the Guidelines may result in their removal from the hearing.

### **4. Decision-maker(s)**

The role of the Decision-maker(s) shall be filled by appropriate University personnel and/or independent third party(ies). In no circumstance will the Decision-maker(s) have served as the Title IX Coordinator, investigator, or party's Advisor in the same case, nor may the Decision-maker(s) serve as the Appeals Officer in the same case. The Decision-maker(s) will not have any conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties in a particular case. The Decision-maker(s) will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, maintaining respect for decorum, and any technology to be used at the hearing.

For each hearing, there will generally be two Decision-makers, both of whom will attend the live hearing. The first Decision-maker will oversee the hearing, make a determination regarding responsibility, and document all findings in a decision letter. The second Decision-maker will make a determination regarding sanctions, if applicable, and communicate that determination and rationale to the first Decision-maker for inclusion in the final written decision.

- In cases in which the Respondent is a student or otherwise within the purview of a campus Title IX office, the second Decision-maker will be assigned by the campus's Student Affairs Officer responsible for student conduct.

- In cases in which the Respondent is an employee or otherwise within the purview of OEE, the second Decision-maker will be appointed by the Respondent-employee's unit, or other appropriate office.

## **5. Hearing Logistics**

### **a. Live Hearing & Technology**

The live hearing may be conducted with all Parties physically present in the same geographic location, but in no circumstance will the Parties be required to be physically present in the same room during the hearing. At the University's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually through remote hearing technology. This technology will enable participants simultaneously to see and hear each other. Also, at its discretion, the University may delay or adjourn a hearing based on technological errors not within a Party's control.

The Decision-maker(s) may set reasonable time limits for any part of the hearing.

Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Decision-maker(s) in advance and must be turned off before the hearing convenes.

The University will record all proceedings through audio recording.

### **b. Presentation of Allegations**

Following introductory remarks, the Decision-maker(s) will read aloud the allegations against the Respondent as stated in the Notice of Allegations. The Respondent will have the opportunity to answer "Responsible" or "Not Responsible" for each allegation.

If the Respondent answers "Responsible" to an allegation, the Decision-maker will not make any determination regarding responsibility of that allegation at the hearing. The parties may present narratives, witnesses, and closing statements, and may also have their Advisor conduct cross-examination; however, the Decision-maker(s) will consider this information solely to determine appropriate sanctions. Alternatively, if all parties wish to waive the right to these portions of the hearing, the hearing may proceed directly to the Reading of Impact Statement and Mitigating Factors & Sanction Recommendations.

### **c. Narratives, Witnesses & Questioning**

Both Parties will have the opportunity to present their narratives, witnesses, and other information consistent with the Policy. The Decision-maker(s) will determine the relevance of any witnesses or information.

The Decision-maker(s) may ask questions of the Parties and witnesses (including the investigator). As discussed below, each Party's Advisor will have the opportunity to ask questions after the Decision-maker(s) conducts an initial round of questioning of each Party/witness. The Decision-maker(s) may pause questioning at any time in order to ask their own follow-up questions.

Witnesses are excluded from the hearing during testimony by other witnesses.

#### **d. Evidence**

The Parties may seek to include all relevant evidence including, but not limited to, expert testimony and character witnesses. Any Party asking that additional relevant information beyond what was previously provided to investigators be considered may be asked to demonstrate that such information was not reasonably available to them at the time of the investigation. If any Party seeks to introduce such new evidence, the Decision-maker may, at their discretion: (a) accept the new evidence as admissible and proceed with the hearing as scheduled; (b) request an adjournment of the hearing to allow sufficient time for all other parties to review and respond to such evidence; or (c) take other measures as they deem appropriate.

### **6. Questions and Cross-Examination by Advisors**

#### **a. Cross-Examination**

Cross-examination is designed to test the credibility and trustworthiness of the information presented at the hearing. The Parties have the right to select an Advisor to ask questions of the other Party or Parties and witnesses at the hearing. During this live questioning, the Advisor will ask the other Party or Parties and witnesses relevant questions and follow-up questions (including those challenging credibility) directly, orally, and in real time. A Party's Advisor may appear and ask questions on their behalf even if the Party does not attend the live hearing.

The Parties are not permitted to conduct cross-examination themselves. Therefore, if a Party does not select an Advisor, Rutgers will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination during the hearing at no fee or charge to the Party. Where the University provides an Advisor due to a Party's failure to obtain or select their own Advisor, the Advisor provided by the University may not be challenged on the ground that the Advisor holds a conflict of interest or bias against Complainants or Respondents generally, or in favor of or against the Parties in a particular case, as the role of the advisor is solely to conduct the required cross-examination.

A Party may affirmatively waive the right to have their Advisor conduct cross-examination through a written statement provided to the Decision-maker(s), or through a verbal statement to the Decision-maker during the recorded hearing.

#### **b. Relevance**

Before any cross-examination or other question is answered, the Decision-maker(s) will determine if the question is relevant. Relevant questions refer to those questions that tend to make an allegation of Covered Sexual Harassment not or less likely to be true. Relevant questions **do not** include:

- Affirmative non-interrogative statements (including accusatory statements, personal opinions, extraneous commentary, or other affirmative non-interrogative response to or characterization of a party's or witness's answer) or redundant or repetitive questions that have already been asked on behalf of a party;
- Questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

- they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Questions that constitute, or seek disclosure of, information protected under a legally recognized privilege; or
- Questions regarding any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent.

## **7. Continuances or Extensions**

The Decision-maker(s) may determine that multiple sessions or a continuance (i.e. pausing the hearing until a later date or time) is needed to complete a hearing. If so, the Decision-maker(s) or Title IX Coordinator will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

## **8. Review of Recording**

The recording of the hearing will be available for review by the Parties within 24 hours of completion of the hearing unless there are any extenuating circumstances. However, the Parties or Advisors will not receive a copy of the recording of the hearing.

## **K. Determination Regarding Responsibility**

### **1. Standard of Proof**

Rutgers uses the preponderance of the evidence standard to determine responsibility of Formal Complaints covered under this Policy. This means that the hearing determines whether it is more likely than not that a violation of the Policy occurred.

### **2. General Considerations for Evaluating Testimony and Information**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on written, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker(s).

#### **a. Credibility**

Decision-makers shall not draw inferences regarding a Party's or witness' credibility based on the Party's or witness' status as a Complainant, Respondent, or witness, nor shall they base their judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or information.

Still, credibility judgments should not rest on whether a Party's or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

## **b. Weighing Evidence**

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) information will be weighed in equal fashion.

Except where specifically barred by this Policy, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be afforded lower weight than testimony regarding direct knowledge of specific facts that occurred. Other forms of testimony, such as expert testimony and character testimony, will be afforded lower weight relative to the testimony of fact witnesses.

## **3. Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their Rutgers email accounts, or other reasonable means, as necessary. The Determination will include:

- a. Identification of the allegations potentially constituting Covered Sexual Harassment;
- b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other information, and hearings held;
- c. Findings of fact supporting the determination;
- d. For each allegation:
  - i. A statement of, and rationale for, a determination regarding responsibility;
  - ii. A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent; and
  - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- e. The procedures and permitted reasons for appeal (described below in "Appeal"), including the Appeals Officer's information.

## **4. Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility and sanctions, if applicable, will be issued by the Decision-maker(s) within five (5) days of the completion of the hearing.

## **5. Finality of the Determination Regarding Responsibility**

The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline

outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

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

## **L. Sanctions and Other Remedial Measures**

### **1. How Sanctions Are Determined**

The Decision-maker(s) will impose sanctions that are:

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

The Decision-maker(s) will consider recommended sanctions and may consult the appropriate Title IX Coordinator to obtain information about sanctions imposed in similar cases. However, the Decision-maker(s) will determine the appropriate sanctions to impose. In all cases involving employee Respondents, the decision concerning discipline shall be consistent with the terms of all University Policies and the terms of any collective negotiations agreements that may be applicable.

The Decision-maker(s) will consider relevant factors, including, if applicable: (1) facts and circumstances surrounding the event at issue, (2) the nature of the prohibited conduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (3) the circumstances concerning the issue of consent (such as force, threat, coercion, intentional incapacitation, etc.); (4) state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (5) the impact of the offense on the Complainant; (6) the Respondent's prior disciplinary history; (7) the safety of the University community; (8) precedent established by previous sanctions; and (9) any other mitigating or aggravating factors specific to the case.

### **2. Sanctions for Student Respondents**

For students, sanctions imposed under this Policy will be comprised of an “inactive sanction” and, where appropriate, “active sanctions,” as defined in [University Policy 10.2.11: Code of Student Conduct](#).

An inactive sanction is an official University sanction: Reprimand, Probation, Disciplinary Suspension, Expulsion or Dismissal, or Loss of University Housing. Additional information regarding these sanctions is set forth in the Code of Student Conduct. Permanent notation of disciplinary action without details of the nature of the infraction shall be made on the transcript whenever a student is expelled. Transcript notations of disciplinary action will also be made if a suspension is implemented. When the suspension has been completed, the notation will be removed. Transcript notations of disciplinary action may be imposed as part of a sanction in other circumstances, as determined by the Director of Student Conduct and/or a Decision-maker.

An “active sanction” is designed to remedy the effects of the misconduct and/or prevent its recurrence and may or may not be imposed as part of the sanction. Examples of active sanctions include:

1. Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Policy.
2. Restorative: Programs, projects, or assignments designed to mitigate the harm done to the affected Parties and restore the University community. Restorative sanctions may include (but are not limited to) educational service, letters of apology, and restorative justice practices.
3. Educational Service Hours: Service to the University community to be completed by a specified date. Location and projects for completion of educational service must be approved by the Decision-maker.
4. Informal Resolution: Students may be referred to nontraditional means of conflict resolution. These sanctions may vary case to case.
5. Educational: Programs, projects, or assignments designed to educate a student or student organization about the consequences of their actions and to impart skills that may help the student avoid future violations.

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

1. Changing the Respondent's academic schedule.
2. Revocation of honors or awards.
3. Restricting access to University facilities or activities (including student activities and campus organizations).
4. Issuing a No Contact Order to the Parties or requiring that such an order remain in place.
5. Moving the Respondent's residence or removing them from on-campus housing.
6. Dismissal or restriction from University employment.
7. Campus ban.

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

### **3. Sanctions for Employee Respondents**

For employees, sanctions may include discipline up to and including termination of employment, consistent with the terms of all University Policies concerning personnel actions and the terms of any applicable collective negotiations agreements.

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

#### 4. Sanctions for Third-Party Respondents

In cases in which the Respondent is not a University student or employee, the Decision-maker will determine an appropriate sanction within the scope of the University's authority.

#### 5. Other Remedial Measures

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

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

#### M. Appeals

Each party may appeal a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) days of being notified of the decision, indicating the grounds for the appeal.

The grounds for appeal are:

1. **Procedural Irregularity that Affected the Outcome of the Matter:** (i.e. The University failed to follow its prescribed procedures).
2. **New Information:** that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter.<sup>8</sup>
3. **A Conflict of Interest or Bias:** held by the Title IX Coordinator, investigator(s), or Decision-maker(s) for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
4. **Disproportionate Sanction:** In matters involving students, the sanction imposed against the Respondent was not appropriate for the offense committed. This ground for appeal is only available in cases involving student Respondents.

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

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures remain available during the pendency of the appeal.

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<sup>8</sup> In exceptional circumstances, if new information becomes available after the conclusion of the appeal period, parties may file an appeal within five (5) days from receipt of such new information. Before the substance of the appeal will be considered, the appealing party must clearly demonstrate why such information was not previously available to them.



The Appeals Officer will not have a conflict of interest or bias, and will not serve as investigator, Title IX Coordinator, or Decision-maker(s) in the same matter.

The appealing Party must submit the appeal in writing to the Appeals Officer within five (5) days after receiving the Decision-maker's written decision. The time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal. Failure to submit a written appeal within this five (5) day period forfeits the right to appeal under this Policy, regardless of the outcome of the other Party's appeal (if submitted). If either the Complainant or Respondent submits an appeal, the Title IX Coordinator will as soon as practicable notify the other Party in writing that an appeal has been filed and the grounds of the appeal. The non-appealing Party may submit a written response within five (5) days after notice of an appeal. If both the Complainant and Respondent appeal, the appeals will be considered concurrently.

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

Following the Appeals Officer's review of all information, in cases involving employee or third-party Respondents, the Appeals Officer will:

1. Affirm the finding; or
2. Remand the case for a new hearing.

In cases involving student Respondents, the Appeals Officer will:

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

In cases involving student Respondents, sanctions should only be modified if they are found to be clearly disproportionate to the gravity of the violation and/or precedent for similar offenses. Cases should only be remanded for a new hearing if the specified procedural errors were so substantial they effectively denied the Respondent or Complainant a fair hearing, new information merits a new hearing, or a conflict of interest or bias is found to have affected the outcome.

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

The Appeals Officer will notify the Complainant and Respondent in writing simultaneously of the final decision on appeal including the rationale for the decision. Appeal decisions will be rendered within ten (10) days after the time for the non-appealing Party to submit a written response to the appeal expires. All appeal decisions are final and not subject to further review. .

## **IX. REPORTING OF CRIME AND DISCIPLINARY STATISTICS**

A federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act (see [University Policy 30.1.12: Jeanne Clery Disclosure of Campus Security Policy and campus Crime and Statistics Act](#)) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which may also constitute prohibited conduct under this Policy. As described in the chart in the Resources listing (Appendix A), some employees who receive reports of prohibited conduct under this policy (including some who may be otherwise considered “confidential”) are required by the Clery Act to notify the University Public Safety about such incidents for statistical reporting purposes. These notifications minimally include the classification and location of the reported crime but do not always identify the individuals involved. The Clery Act also requires the University to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat. Such reports do not contain information identifying any individuals. The University Annual Security Report is available at <https://ipo.rutgers.edu/publicsafety/crime-statistics>.

## **X. RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. For example, Title IX requires that the University tell the Complainant whether or not it found that sexual violence occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, and other steps the school has taken to eliminate the hostile environment caused by the Respondent's actions, and to prevent recurrence. FERPA specifically allows schools to disclose to alleged victims of violence, including sexual violence, the final results of any University disciplinary proceeding involving the offense. Further, any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found at <https://uec.rutgers.edu/programs/ferpa-student-privacy/>.

## **XI. AMENDMENTS**

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

## Appendix A

### Resources for Complainants

#### New Brunswick

| Personnel  | Status  | Reporting Obligation   |
|--|---|--|
| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>3 Bartlett Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-1181<br/>(24 hours/day, 7 days/week)<br/>Email: <a href="mailto:vpva@echo.rutgers.edu">vpva@echo.rutgers.edu</a><br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a></p>   | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling, and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Rutgers Student Health - Counseling, Alcohol &amp; Other Drug Assistance Program and Psychiatric Services (CAPS)</b></p> <p>Main Center<br/>17 Senior Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7884<br/><a href="http://health.rutgers.edu/medical-counseling-services/counseling/">http://health.rutgers.edu/medical-counseling-services/counseling/</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing counseling services through CAPS. Services include crisis intervention, individual therapy, workshops alcohol and other drug assistance programs, and psychiatric care. Solution focused individual therapy.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Rutgers Student Health Services – Physicians and other Health Professionals</b></p> <p>Student Health Services Office<br/>Hurtado Health Center<br/>College Avenue Campus<br/>11 Bishop Place<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7402<br/>Email: <a href="mailto:health@rutgers.edu">health@rutgers.edu</a><br/><a href="http://health.rutgers.edu">http://health.rutgers.edu</a></p>    | <p><b><u>Confidential Resource</u></b><br/>providing comprehensive clinical care, including medical, pharmacy, and mental health counseling services.</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying</p>   |

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|   |  | <p>information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p>  |
| <p><b>University Chaplains (or Ordained Clergy)</b></p> <p>A list of Registered Chaplains can be found here:<br/> <a href="http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/">http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</a></p> | <p><b><u>Confidential Resource</u></b></p>   | <p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>  |
| <p><b>Student Legal Services</b></p> <p>Livingston Campus<br/> Tillett Hall, Room 247<br/> 53 Avenue E<br/> Piscataway, NJ 08854<br/> 848-932-4LAW(4529)<br/> <a href="http://www.rusls.rutgers.edu">www.rusls.rutgers.edu</a></p>  | <p><b><u>Confidential Resource</u></b><br/> providing eligible Rutgers students with professional legal advice and assistance at no cost by attorneys licensed to practice in the state of New Jersey.</p> | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |

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| <p><b>Title IX Coordinator</b></p> <p>Office of Student Affairs Compliance &amp; Title IX<br/> 2 Richardson Street<br/> New Brunswick, NJ 08901<br/> College Avenue Campus<br/> Phone: (848) 932-8200<br/> <a href="http://compliance.rutgers.edu/title-ix/reporting/">http://compliance.rutgers.edu/title-ix/reporting/</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination, or sexual assault.</p> | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>  |
| <p><b>Rutgers University Police Department (RUPD)</b></p> <p>New Brunswick Division<br/> 55 Paul Robeson Boulevard<br/> New Brunswick, NJ 08901<br/> Phone: 9-1-1 (for emergencies)<br/> Phone: (732) 932-7211<br/> <a href="http://rupd.rutgers.edu/rupd.php">http://rupd.rutgers.edu/rupd.php</a></p>                          | <p><b><u>Non-Confidential</u></b></p> <p>RUPD provides emergency services and responds to reports of sexual violence and other crimes. RUPD also provides security escorts.</p>  | <p>The University Police Department will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, the RUPD will include it in a crime log and annual crime statistics without identifying the alleged victim (Clery Act).</p> <p>If the incident is a crime and poses a serious or continuing threat, the RUPD will issue an emergency notification or timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p> |

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|   |   | This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.   |
| <p><b>Residence Life</b></p> <p>New Brunswick/Piscataway<br/> Phone: (848) 932-4371<br/> Email: <a href="mailto:resident@rutgers.edu">resident@rutgers.edu</a><br/> <a href="http://ruoncampus.rutgers.edu">http://ruoncampus.rutgers.edu</a></p>   | <p><b><u>Non-Confidential</u></b></p> <p>Residence Life (RL) Staff will respond to incidents that happen on campus. RL Staff can assist students in contacting resources, and help guide them throughout the process.</p> | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX). If the incident is a crime, this resource will report it to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>University Ombud's Office</b></p> <p>115 College Avenue<br/> New Brunswick, NJ 08901<br/> College Ave Campus<br/> Phone: (848) 932-1452<br/> Email: <a href="mailto:Ombuds@rutgers.edu">Ombuds@rutgers.edu</a><br/> <a href="https://ombuds.rutgers.edu/">https://ombuds.rutgers.edu/</a></p> | <p><b><u>Non-Confidential</u></b></p> <p>The Office for the Ombudsperson for Students offers students who feel they have exhausted all other possible remedies, alternative methods to resolve their issues.</p>          | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, this resource will report it to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p>  |

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| <p><b>Dean of Students</b></p> <p>Office of the Dean of Students<br/>       88 College Avenue<br/>       College Avenue Campus<br/>       New Brunswick, NJ 08901<br/>       Phone: (848) 932-2300<br/>       Email: <a href="mailto:deanofstudents@echo.rutgers.edu">deanofstudents@echo.rutgers.edu</a></p>  | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Dean of Students Office provides solutions, services, and support to help students navigate Rutgers University. The Office serves as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p> | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, this resource will report to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>Title IX Coordinator for Complaints Against University Employees or Third Parties</b></p> <p>Office of Employment Equity<br/>       University Human Resources<br/>       57 U.S. Highway 1, ASB II<br/>       Cook Campus<br/>       Phone: (848) 932-3980<br/>       Email: <a href="mailto:Lisa.grosskreutz@rutgers.edu">Lisa.grosskreutz@rutgers.edu</a></p> | <p><b><u>Non-Confidential</u></b></p> <p>Resource supporting the University's commitment to preventing discrimination and advancing equal opportunity.</p>   | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>  |

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| <p><b>Title IX Coordinator for Athletics</b></p> <p>Senior Associate Athletics Director /Senior Woman Administrator<br/>Intercollegiate Athletics<br/>83 Rockefeller Road<br/>Livingston Campus<br/>Piscataway, NJ 08854<br/>Phone: (732) 445-7899<br/>Email: <a href="mailto:khickey@scarletknights.com">khickey@scarletknights.com</a></p> | <p><b><u>Non-Confidential</u></b></p> <p>Resource addressing issues relating to gender equity in Rutgers athletics programs.</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Institutional Compliance Officer –Title IX and Universitywide Title IX Coordinator</b></p> <p>University Ethics and Compliance<br/>One World’s Fair Drive<br/>Somerset, NJ 08873<br/>Phone: (732) 235-5304<br/><a href="https://uec.rutgers.edu/programs/title-ix/">https://uec.rutgers.edu/programs/title-ix/</a></p>                 | <p><b><u>Non-Confidential</u></b></p> <p>Resource providing students and other members of the Rutgers Community with information about University policies and procedures for addressing sexual harassment, sexual violence stalking, and relationship misconduct.</p> | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |



**Newark**

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 203<br/>Newark, NJ 07102<br/>Phone: (973) 353-1918<br/>(24 hours/day, 7 days/week)<br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a><br/><a href="http://counseling.newark.rutgers.edu/vpva">http://counseling.newark.rutgers.edu/vpva</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling, and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Health Services</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 104<br/>Newark, NJ 07102<br/>Phone: (973) 353-5231<br/><a href="http://health.newark.rutgers.edu/">http://health.newark.rutgers.edu/</a><br/>Sexual Assault Hotline: 973-353-4357 (HELP)<br/>Business Hours: M-F 8:30 a.m. – 4:30 p.m.<br/>24 Hour Nurse Line: (866) 221-9674</p>                  | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty, and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p>   | <p>This resource will report incidents without any identifying information to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p>  |
| <p><b>Counseling Center</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 101<br/>Newark, NJ 07102<br/>Phone: (973) 353-5805<br/>Website:<br/><a href="http://counseling.newark.rutgers.edu/">http://counseling.newark.rutgers.edu/</a></p>  | <p><b><u>Confidential Resource</u></b><br/>for victims of sexual assault and interpersonal/intimate partner violence.</p> <p>Provides psychological and psychiatric services, along with a comprehensive alcohol and other drug</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to suspect that a minor has been sexually</p>  |

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

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| <p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours:<br/>University Hospital Crisis Line, (973)623-2323<br/>Suicide Prevention Lifeline, (800) 273-TALK</p>  | <p>assistance. For victims of trauma or assault, a range of supportive services is offered, including individual and group therapy. Also offers individual and group substance abuse counseling, psychiatric evaluations, and medication monitoring. As needed, provides crisis intervention and assistance with community resources and referrals.</p>        | <p>abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p>  |
| <p><b>Title IX Coordinator</b></p> <p>Rutgers University - Newark<br/>Paul Robeson Campus Center<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Newark, NJ 07102<br/>(973) 353-1906<br/>Email: <a href="mailto:titleix@newark.rutgers.edu">titleix@newark.rutgers.edu</a></p>           | <p><b><u>Non-Confidential Resource</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination or sexual assault.</p>  | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p>                                      |
| <p><b>Dean of Students</b></p> <p>Rutgers University - Newark<br/>Paul Robeson Campus Center<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Newark, NJ 07102<br/>(973) 353-5063<br/>Email: <a href="mailto:deanofstudents@newark.rutgers.edu">deanofstudents@newark.rutgers.edu</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Dean of Students Office provides solutions, services, and support to help students navigate Rutgers University. The Office services as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p> | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures. This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD</p> |

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|  |  | <p>for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
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**Camden**

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>326 Penn Street<br/>Camden Campus Center<br/>Camden, NJ 08102<br/>Phone: (856) 225-2326<br/>(24 hours/day, 7 days/week)<br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a><br/><a href="https://vpva.camden.rutgers.edu/">https://vpva.camden.rutgers.edu/</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling, and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Wellness Center Medical, Psychological, Alcohol/Drug/Nicotine Assistance, and Health Promotion Services</b></p> <p>326 Penn Street<br/>Camden Campus Center, 2nd Floor<br/>Camden, NJ 08102<br/>Phone: (856) 225-6005<br/><a href="http://healthservices.camden.rutgers.edu/">http://healthservices.camden.rutgers.edu/</a></p>                  | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty, and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |

**RBHS (Newark, New Brunswick/Piscataway, and Blackwood)**

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>65 Bergen Street, Suite 1441<br/>Newark, NJ 07101<br/>Phone: (973) 972-4636</p> <p><a href="https://rbhs.rutgers.edu/uroweb/vpva.html">https://rbhs.rutgers.edu/uroweb/vpva.html</a></p>  | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling, and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Health Services</b></p> <p>Rutgers Health Sciences Campus at Newark<br/>Doctor's Office Center<br/>90 Bergen Street, Suite 1750<br/>Newark, NJ<br/>Phone: (973) 972-8219</p> <p>New Brunswick/Piscataway Campus<br/>Monument Square<br/>317 George Street, First Floor<br/>New Brunswick, NJ<br/>Phone: (732) 235-5160</p> | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty, and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Student Wellness Program</b></p> <p>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678</p> <p>Newark Campus/Scotch Plains Campuses<br/>183 South Orange Avenue<br/>Newark, NJ 07103<br/>Phone: (973) 972-5429</p>  | <p><b><u>Confidential Resource</u></b><br/>for victims of sexual assault and interpersonal/intimate partner violence.</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD</p>   |

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| <p>New Brunswick/Piscataway Campus<br/> 242 Old New Brunswick Road<br/> Piscataway, NJ 08854<br/> Phone: (732) 235-5930</p> <p>Blackwood Campus<br/> Rutgers University Behavioral Health Care<br/> Student Wellness Program<br/> One Echelon Plaza, Suite 101<br/> Voorhees, NJ 08043<br/> Phone: (856) 770-5750</p> |  | <p>for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p> |
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## Off-Campus Resources

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| <p><b>Hospitals</b></p>   | <p>Robert Wood Johnson University Hospital<br/>         1 Robert Wood Johnson Plaza<br/>         New Brunswick, NJ 08901<br/>         Phone: (732) 828-3000<br/> <a href="http://www.rwjuh.edu">www.rwjuh.edu</a></p> <p>St. Peter's University Hospital<br/>         254 Easton Avenue<br/>         New Brunswick, NJ 08901<br/>         Phone: (732) 745-8600<br/> <a href="http://www.saintpetershcs.com">www.saintpetershcs.com</a></p> <p>University Hospital<br/>         150 Bergen Street<br/>         Newark, NJ 07103<br/>         Phone: (973) 972-4300<br/> <a href="http://www.uhnj.org">www.uhnj.org</a></p> <p>Beth Israel Medical Center<br/>         201 Lyons Avenue at Osborne Terrace<br/>         Newark, NJ 07112<br/>         Phone: (973) 926-7000<br/> <a href="https://www.rwjbh.org/newark-beth-israel-medical-center/contact-us/">https://www.rwjbh.org/newark-beth-israel-medical-center/contact-us/</a></p> <p>Hackensack Meriden Health Mountainside Medical Center<br/>         One Bay Avenue<br/>         Montclair, NJ 07042<br/>         Phone: (973) 429-6000<br/> <a href="https://mountainsidehosp.com/">https://mountainsidehosp.com/</a></p> |
| <p><b>Advocacy,<br/>Counseling, and<br/>Health Services</b></p> | <p>Middlesex County Center for Empowerment (Rape Crisis Center for Middlesex County)<br/>         29 Oakwood Avenue<br/>         Edison, NJ 08837<br/>         Phone: (732) 321-1189<br/> <a href="http://www.co.middlesex.nj.us/Government/Departments/PSH/Pages/Center-for-Empowerment.aspx">http://www.co.middlesex.nj.us/Government/Departments/PSH/Pages/Center-for-Empowerment.aspx</a></p> <p>State-wide Sexual Assault Toll Free Hotline<br/>         Phone: (800) 601-7200<br/> <a href="http://www.njcasa.org">http://www.njcasa.org</a></p> <p>Sexual Violence Programs in New Jersey by county:<br/> <a href="http://njcasa.org/find-help/">http://njcasa.org/find-help/</a></p> <p>SAVE of Essex County Hotline: (877) 733-2273</p> <p>State of New Jersey Department of Families and Children<br/>         Domestic Violence Services<br/>         24-hour hotline: (800) 572-SAFE (7233)</p> <p>RAINN National Sexual Assault Hotline<br/>         Phone: (800) 656-HOPE<br/> <a href="http://www.rainn.org">www.rainn.org</a></p>   |

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| <p><b>Law Enforcement</b></p>      | <p>New Brunswick Police Department<br/> Emergency: 9-1-1<br/> 25 Kirkpatrick Street<br/> New Brunswick, NJ 08901<br/> Phone: (732) 745-5200</p> <p>Piscataway Police Department<br/> Emergency: 9-1-1<br/> 455 Hoes Lane<br/> Piscataway, NJ 08854<br/> Phone: (732) 562-2300</p> <p>Newark Police Department<br/> Emergency: 9-1-1<br/> 311 Washington Street<br/> Newark, NJ 07102<br/> Phone: (973) 733-6000</p> <p>Camden Police Department<br/> Emergency: 9-1-1<br/> 800 Federal Street<br/> Camden, NJ 08103<br/> Phone: (856) 757-7400</p> |
| <p><b>Government Resources</b></p> | <p>United States Department of Education<br/> Office for Civil Rights<br/> New York Office<br/> 32 Old Slip, 26th Floor<br/> New York, NY 10005<br/> Phone: (646) 428-3800<br/> Email: <a href="mailto:OCR.NewYork@ed.gov">OCR.NewYork@ed.gov</a></p> <p>United States Department of Justice Office on Violence Against Women<br/> 145 N Street, Suite 10 W 121<br/> Washington, DC 20530<br/> Phone: (202) 307-6026<br/> <a href="https://www.justice.gov/ovw">https://www.justice.gov/ovw</a></p>  |



## Appendix B

### On-Campus Resources for Respondents

#### New Brunswick

| Personnel   | Status   | Reporting Obligation  |
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| <p><b>Rutgers Student Health - Counseling, Alcohol &amp; Other Drug Assistance Program and Psychiatric Services (CAPS)</b></p> <p>Main Center<br/>17 Senior Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7884</p> <p><a href="http://health.rutgers.edu/medical-counseling-services/counseling/">http://health.rutgers.edu/medical-counseling-services/counseling/</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing counseling services through CAPS. Services include crisis intervention, individual therapy, workshops alcohol and other drug assistance programs and psychiatric care. 24/7 Crisis intervention available</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p>   |
| <p><b>Rutgers Student Health Services – Physicians and other Health Professionals</b></p> <p>Student Health Services Office<br/>Hurtado Health Center<br/>College Avenue Campus<br/>11 Bishop Place<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7402<br/>Email: <a href="mailto:health@rutgers.edu">health@rutgers.edu</a></p>   | <p><b><u>Confidential Resource</u></b><br/>providing comprehensive clinical care, including medical, pharmacy, and mental health counseling services.</p>  | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> |
| <p><b>University Chaplains (or Ordained Clergy)</b></p> <p>A list of Registered Chaplains can be found here:<br/><a href="http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/">http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</a></p>  | <p><b><u>Confidential Resource</u></b></p>   | <p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>  |
| <p><b>Residence Life</b></p> <p>New Brunswick/Piscataway<br/>Phone: (848) 932-4371<br/>Email: <a href="mailto:resident@rutgers.edu">resident@rutgers.edu</a><br/><a href="http://ruoncampus.rutgers.edu">http://ruoncampus.rutgers.edu</a></p>  | <p><b><u>Non-Confidential Resource</u></b></p> <p>Providing services and support to help students navigate Rutgers University.</p>   | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>                        |
| <p><b>Student Legal Services</b></p> <p>Livingston Campus<br/>Tillett Hall, Room 247<br/>53 Avenue E<br/>Piscataway, NJ 08854<br/>Phone: 848-932-4LAW(4529)</p> <p><a href="http://www.rusls.rutgers.edu">www.rusls.rutgers.edu</a></p>   | <p><b><u>Confidential Resource</u></b><br/>providing eligible Rutgers students with professional legal advice and assistance at no cost by attorneys licensed to practice in the State of New Jersey.</p>  |   |

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| <p><b>Title IX Coordinator</b></p> <p>Office of Student Affairs Compliance &amp; Title IX<br/>2 Richardson Street<br/>New Brunswick, NJ 08901<br/>College Avenue Campus<br/>Phone: (848) 932-8200</p> <p><a href="http://nbttitleix.rutgers.edu">http://nbttitleix.rutgers.edu</a></p>           | <p><b><u>Non-Confidential Resource</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination, sexual assault, or retaliation.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>Rutgers University Police Department (RUPD)</b></p> <p>New Brunswick Division<br/>55 Paul Robeson Blvd<br/>New Brunswick, NJ 08901<br/>Phone: 9-1-1 (for emergencies)<br/>Phone: (732) 932-7211</p> <p><a href="http://rupd.rutgers.edu/rupd.php">http://rupd.rutgers.edu/rupd.php</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>RUPD provides emergency services and security escorts.</p>   | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>University Ombud's Office</b></p> <p>115 College Ave<br/>New Brunswick, NJ 08901<br/>College Ave Campus<br/>Phone: (848) 932-1452<br/>Email: <a href="mailto:Ombuds@rutgers.edu">Ombuds@rutgers.edu</a></p> <p><a href="http://www.ombuds.rutgers.edu">www.ombuds.rutgers.edu</a></p>      | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Office for the Ombudsperson for Students offers students who feel they have exhausted all other possible remedies, alternative methods to resolve their issues.</p>  |   |
| <p><b>Dean of Students</b></p> <p>Office of the Dean of Students<br/>88 College Avenue<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-2300<br/>Email: <a href="mailto:deanofstudents@echo.rutgers.edu">deanofstudents@echo.rutgers.edu</a></p>                       | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Dean of Students Office provides solutions, services, and support to help students navigate Rutgers University. The Office services as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p> |   |
| <p><b>Title IX Coordinator for Complaints Against University Employees or Third Parties</b></p> <p>Office of Employment Equity<br/>University Human Resources<br/>57 U.S. Highway 1, ASB II<br/>Cook Campus</p>  | <p><b><u>Non-Confidential Resource</u></b> supporting the University's commitment to preventing discrimination and advancing equal opportunity.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

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| <p>Phone: (848) 932-3980<br/> Email: <a href="mailto:Lisa.grosskreutz@rutgers.edu">Lisa.grosskreutz@rutgers.edu</a></p>  |   |   |
| <p><b>Institutional Compliance Officer –Title IX and Universitywide Title IX Coordinator</b></p> <p>University Ethics and Compliance<br/> One World’s Fair Drive<br/> Somerset, NJ 08873<br/> Phone: (732) 235-5304</p> <p><a href="https://uec.rutgers.edu/programs/title-ix/">https://uec.rutgers.edu/programs/title-ix/</a></p> | <p><b><u>Non-Confidential Resource</u></b> providing students and other members of the Rutgers Community with information about University policies and procedures for addressing sexual harassment, sexual violence, stalking, relationship misconduct, and retaliation.</p> | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |

**Newark**

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| <p><b>Counseling Center</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 101<br/>Newark, NJ 07102<br/>Phone: (973) 353-5805<br/>Website:<br/><a href="http://counseling.newark.rutgers.edu/">http://counseling.newark.rutgers.edu/</a></p> <p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours:<br/>University Hospital Crisis Line, (973)623-2323<br/>Suicide Prevention Lifeline, (800) 273-TALK</p> | <p><b><u>Confidential Resource.</u></b></p> <p>Provides psychological and psychiatric services, along with a comprehensive alcohol and other drug assistance. For victims of trauma, a range of supportive services is offered, including individual and group therapy. Also offers individual and group substance abuse counseling, psychiatric evaluations, and medication monitoring. As needed, provides crisis intervention and assistance with community resources and referrals.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> |
| <p><b>Title IX Coordinator</b></p> <p>Rutgers University – Newark<br/>Paul Robeson Campus Center<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Newark, NJ 07102<br/>Phone: (973) 353-1906<br/>Email: <a href="mailto:titleix@newark.rutgers.edu">titleix@newark.rutgers.edu</a></p>  | <p><b><u>Non-Confidential Resource.</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination, sexual assault, or retaliation.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>                        |

**Camden**

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| <p><b>Student Wellness Center<br/>Medical, Psychological,<br/>Alcohol/Drug/Nicotine Assistance, and<br/>Health Promotion Services</b></p> <p>326 Penn Street<br/>Camden Campus Center, 2nd Floor<br/>Camden, NJ 08102<br/>Phone: (856) 225-6005</p>        | <p><b><u>Confidential Resource</u></b><br/>providing support to<br/>Rutgers students,<br/>faculty, and staff.</p>  | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> |
| <p><b>Title IX Coordinator</b></p> <p>Associate Dean of Students &amp; Title IX<br/>Coordinator<br/>326 Penn Street<br/>Camden, NJ 08102<br/>Phone: (856) 225-6422<br/>Email: <a href="mailto:aemery@rutgers.camden.edu">aemery@rutgers.camden.edu</a></p> | <p><b><u>Non-Confidential<br/>Resource.</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination, sexual assault, or retaliation.</p> | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>   |

**RBHS (Newark, New Brunswick/Piscataway, Blackwood)**

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| <p><b>Student Health Services</b></p> <p>Rutgers Health Sciences Campus at Newark<br/>         Doctor's Office Center<br/>         90 Bergen Street, Suite 1750<br/>         Newark, NJ 07103<br/>         Phone: (973) 972-8219</p> <p>New Brunswick/Piscataway Campus<br/>         Monument Square<br/>         317 George Street, First Floor<br/>         New Brunswick, NJ 08901<br/>         Phone: (732) 235-5160</p> | <p><b><u>Confidential Resource</u></b><br/>         providing support to Rutgers students, faculty, and staff.</p>  | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> |
| <p><b>Student Wellness Program</b></p> <p>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678</p> <p>Newark Campus/Scotch Plains Campuses<br/>         183 South Orange Avenue<br/>         Newark, NJ 07103<br/>         Phone: (973) 972-5429</p> <p>New Brunswick/Piscataway Campus<br/>         242 Old New Brunswick Road<br/>         Piscataway, NJ 08854<br/>         Phone: (732) 235-5930</p>           | <p><b><u>Confidential Resource</u></b><br/>         providing support to Rutgers students, faculty, and staff.</p>  | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> |
| <p><b>Title IX Coordinator</b></p> <p>Assistant Vice Chancellor for Academic &amp; Student Affairs &amp; Title IX Coordinator<br/>         65 Bergen Street, Suite 1441<br/>         Newark, NJ 07101<br/>         (973) 972-5374<br/>         Email: <a href="mailto:susan.hamilton@rutgers.edu">susan.hamilton@rutgers.edu</a></p>   | <p><b><u>Non-Confidential Resource.</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination, sexual assault, and retaliation.</p> | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>                     |

## APPENDIX C

### New Jersey Campus Sexual Assault Victim's Bill of Rights

#### Introduction

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

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

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

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

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

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

#### *Human Dignity Rights:*

- To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy;
- To have any allegations of sexual assault treated seriously; the right to be treated with dignity;
- To be free from any suggestion that victims are responsible for the commission of crimes against them;
- To be free from any pressure from campus personnel to:
  - Report crimes if the victim does not wish to do so;
  - Report crimes as lesser offenses than the victim perceives the crime to be;
  - Refrain from reporting crimes;
  - Refrain from reporting crimes to avoid unwanted publicity.

#### *Rights to Resources On and Off Campus:*

- To be notified of existing campus and community-based medical, counseling, mental health, and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities.
- To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.
- To be informed of and assisted in exercising

- any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy.
- any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

*Campus Judicial Rights:*

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

*Legal Rights:*

- To have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported.
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- To receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

*Campus Intervention Rights:*

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

*Statutory Mandates:*

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document.
- Nothing in this act or in any "Campus Assault Victim's Bill of Rights" developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.



## APPENDIX D

### Relevant Clery Definitions<sup>9</sup>

#### Sex Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

State of New Jersey Definition (N.J.S.A. 2C:14-2c): An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

1. The victim is less than 13 years old;
2. The victim is at least 13 but less than 16 years old; and
  - a. The actor is related to the victim by blood or affinity to the third degree, or
  - b. The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
  - c. The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
3. The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson, or criminal escape;
4. The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
5. The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
6. The actor uses physical force or coercion and severe personal injury is sustained by the victim;
7. The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually, or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being in-capable of providing consent.

Aggravated sexual assault is a crime of the first degree.

An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

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<sup>9</sup> A copy of Rutgers "Safety Matters" Report is available at <https://ipo.rutgers.edu/publicsafety/crime-statistics>.

An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

1. The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
2. The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status.
3. The victim is at least 16 but less than 18 years old and:
  - a. The actor is related to the victim by blood or affinity to the third degree; or
  - b. The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or
  - c. The actor is a resource family parent, a guardian, or stands in loco parentis within the household.
4. The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

### Domestic Violence

State of New Jersey Definition (N.J.S.A. 2C:25-19): The occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1990:

Homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, stalking. A domestic violence victim is a person protected by the domestic violence act and includes any person:

- who is 18 years of age or older
- who is an emancipated minor, and who has been subjected to domestic violence by:
  1. a spouse
  2. former spouse
  3. any other person who is a present or former household member
- who, regardless of age, has been subjected to domestic violence by a person with whom the victim has a child, or anticipates having a child, in common
- who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship

Federal Definition (VAWA -42 USC 13701):

A Felony or misdemeanor crime of violence committed—

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

Dating Violence

The New Jersey Prevention of Domestic Violence Act of 1990 (N.J.S.A. 2C:25-19) considers dating violence to be an act of Domestic Violence, see definition of Domestic Violence. In consideration of the foregoing reports made under this section are reported within the category of Domestic Violence.

Federal Definition (VAWA -42 USC 13701):

- 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 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.

Stalking

State of New Jersey Definition (N.J.S.A. 2C:12-10):

Engaging in a course of conduct directed at a specific person that would cause a reasonable person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.

As used in this section, the following terms are defined:

- "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third Parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.
- "Repeatedly" means on two or more occasions.
- "Emotional distress" means significant mental suffering or distress.

- "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.

Federal Definition (VAWA -42 USC 13701): 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—
  - Course of conduct means two or more acts, including, but not limited to, acts 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.

### Rape

As defined by the Summary Reporting System (SRS) User Manual from the FBI's UCR Program: 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.

### Fondling

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: 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.

### Incest

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: Sexual intercourse with a person who is under the statutory age of consent