

## About this Resource Guide

This Stockton University Resource Guide on [Title IX: Sex Discrimination and Sexual Misconduct](#) (“Resource Guide”) contains information for Stockton University (“Stockton”) current and prospective employees and students, as well as parents, alumni, and others on Stockton policies and procedures related to the [New Jersey Law Against Discrimination](#) and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*) (“Title IX”). This Resource Guide contains related sections of the Stockton [Student Handbook](#), as well as related sections of the [Student Policy Prohibiting Discrimination in the Academic/Educational Environment \(I-120\)](#) and the [Policy Prohibiting Discrimination in the Workplace \(VI-28\)](#).

Title IX is a comprehensive piece of federal legislation that covers several areas, such as admissions, financial aid, academic programs, athletics, rights of pregnant and parenting students, student treatment and services, counseling and guidance, student conduct, grading, vocational education, housing, and employment. However, this Resource Guide specifically focuses on sex discrimination and sexual misconduct between individuals. Sexual misconduct is a broad category, which includes sexual harassment, gender-based harassment, and acts of sexual violence.

This Resource Guide also provides information about The Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act (20 U.S.C. §1092(f) (“[Clery Act](#)”) and the Violence against Women Act (“VAWA also known as Campus SAVE” (20 U.S.C. §1092(f)), particularly as it relates to sex offenses, domestic violence, dating violence, and stalking. Whether domestic violence, dating violence, and stalking implicate Title IX is a fact-based assessment.

The content of this Resource Guide describes, but is not limited to, the following areas:

- (1) Identification of Stockton’s Title IX Coordinators
- (2) Reporting procedures
- (3) Prohibition against retaliation for reporting an incident, filing a complaint, or participating in a judicial hearing, criminal or civil fact-finding investigation
- (4) Internal processes for handling allegations of sex discrimination and sexual misconduct
- (5) Available confidential and other resources located on and off campus
- (6) Availability of training and education about sex discrimination and sexual misconduct

Title IX and University non-discrimination policies and procedures extend to all Stockton property, facilities, and programs including current locations in Galloway, Atlantic City, Nacote Creek, Woodbine, Manahawkin, and Hammonton.

For information regarding the application of Title IX and its implementing regulations, contact

Valerie O. Hayes, J.D., M.S.W.

Chief Officer for Institutional Diversity and Equity/[Title IX Coordinator](#)

L-214B A, 101 Vera King Farris Drive, Galloway NJ 08205-9441

Email [Valerie.Hayes@stockton.edu](mailto:Valerie.Hayes@stockton.edu) | Phone 609-652-4693 | Fax 609-626-3535

Additionally, inquiries concerning Title IX and its implementing regulation can be made to the Office for Civil Rights/New York, U.S. Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York NY 10005-2500 | Telephone: 646-428-3800 | Facsimile: 646-428-3843 | Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).

## **Part I**

### **Policies Prohibiting Discrimination**

Stockton University (“Stockton”) is committed to providing and maintaining every Stockton employee and student, as well as prospective Stockton students and employees, with an environment free from prohibited discrimination or harassment. Forms of discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, including perceived disability, physical, mental and/or intellectual disabilities.

Stockton prohibits the conduct described in its policies prohibiting discrimination in the workplace and in the academic/educational environment, as well as conduct described in this Resource Guide. Stockton’s nondiscrimination policies are based on the New Jersey Law Against Discrimination which has a zero tolerance policy for behavior or conduct that falls within the Policy Prohibiting Discrimination in the Workplace and the Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment. This means that Stockton reserves the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates these policies, regardless of whether the conduct satisfies the legal definition of discrimination or harassment. In other words, in fact, the complained of conduct must implicate Stockton’s non-discrimination policies whether or not the conduct satisfies the legal definition of prohibited discrimination or harassment.

The full content of Stockton’s nondiscrimination policies are contained in the Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment (I-120) and the Policy Prohibiting Discrimination in the Workplace (VI-28). Both policies have corresponding procedures, which can be located on the Office of Institutional Diversity and Equity webpage.

### **Stockton’s Commitment**

Stockton seeks a safe and healthy environment for all campus community members and visitors. An individual’s willingness to recognize the dignity and worth of each person is essential to Stockton’s mission. It is the responsibility of each person affiliated with the institution to respect the personal dignity of others.

Stockton is committed to creating and maintaining a campus environment that is free of sex discrimination and sexual misconduct. Stockton expresses its commitment by engaging in the following activities:

- Continuing to foster and maintain a campus culture of reporting sex discrimination and sexual misconduct.
- Taking prompt interim steps to end sex discrimination and sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Making every effort to maintain confidentiality.
- Taking immediate steps to protect the Complainant and the Accused.
- Ensuring that issues and complaints are resolved in a timely manner.

- Providing effective assistance to individuals and to bystanders impacted by sexual violence and other forms of sexual misconduct.
- Offering individuals impacted by sexual violence and other forms of sexual misconduct confidential counseling, support services, and medical assistance to the extent Stockton offers such services.
- Providing educational and training programs with the goal of raising awareness and preventing sex discrimination and sexual misconduct.
- Providing fair and equitable treatment to students and employees in all aspects of the Stockton's campus activities and programs.

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

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. The New Jersey Campus Sexual Assault Victim's Bill of Rights (NJSA 18A:61 E-1 et. seq.) contained within the [Victim Notification](#) document articulates 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.

### **Part II**

#### **Title IX of the Education Amendments of 1972**

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and its implementing regulation, 34 C.F.R. Part 106 ("Title IX") prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance.

Title IX regulations reach many areas of Stockton such as admissions, financial aid, academic programs, rights of pregnant and parenting students, student treatment and services, counseling and guidance, student conduct, grading, vocational education, housing, and employment. Title IX also prohibits retaliation against whistleblowers and discrimination in admission against persons who are blind or visually impaired.<sup>1</sup>

#### **On Sexual Misconduct**

Stockton must take prompt and equitable action to resolve complaints of sex discrimination and sexual misconduct. Whether or not a student files a complaint of sexual misconduct or otherwise asks Stockton to take action, where the school knows or reasonably should know of an incident of sexual misconduct, the school must take steps to understand what occurred and to respond appropriately. When sexual misconduct is so severe, persistent, or pervasive as to deny or limit a student's ability to participate in or benefit from the school's programs or activities, a hostile environment exists and the school must respond. Stockton must take prompt and equitable action to create and maintain an environment free of discrimination and harassment.

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<sup>1</sup> Please note also that the Rehabilitation Act of 1973, specifically Section 504 of the Act, as well as the Americans with Disabilities Act of 1990 prohibit discrimination against qualified persons with disabilities.

### **On Gender-Based Harassment**

Gender-based harassment, including harassment predicated on sex-stereotyping, is covered under the New Jersey Law Against Discrimination if it is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the program and to work. Therefore, it can be sex discrimination to harass an individual because of that person's failure to conform to stereotyped notions of masculinity and femininity. Gender-based harassment is a form of sex discrimination that does not involve conduct of a sexual nature. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotypes.

### **On Free Speech**

In regulating the conduct of students and faculty to prevent or redress discrimination, schools must formulate, interpret, and apply their rules in a manner that respects the legal rights of students and faculty, including those court precedents interpreting the concept of free speech (*Source: September 2017 U.S. Department of Education Office for Civil Rights Q&A on Campus Sexual Misconduct*). The totality of the circumstances will be considered in determining whether Stockton's non-discrimination policies were violated.

## **NEW JERSEY LAW AGAINST DISCRIMINATION**

Stockton prohibits sex discrimination and sexual misconduct. Any person can experience sex discrimination and sexual misconduct: whether cisgender male or female, straight, gay, lesbian, bisexual or transgender, whether part-time and full-time, whether with and without disabilities, and whether persons of different races and ethnicities, national origin, immigration or citizenship status.

It is a violation of the [Student Policy Prohibiting Discrimination in the Academic/Educational Environment](#) (I-120) and the [Policy Prohibiting Discrimination in the Workplace](#) (VI-28) to engage in sex/gender discrimination, sexual or gender-based harassment of any kind, including hostile environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

#### **Quid Pro Quo**

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or

#### **Hostile Environment**

- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic/work performance or creating an intimidating, hostile or offensive academic/working environment.

Behavior is considered "unwelcome" if the targeted individual did not solicit or invite it or if the targeted

individual indicates in some way that the conduct is undesirable. Acquiescence or failure to complain does not mean the conduct is welcome. If, however, employee targeted individual actively participates in sexual banter or sexual discussions without giving an indication that the conduct is unwelcome, the targeted individual may not be able to meet the “unwelcome” portion of the sexual harassment definition.

See Appendix A for examples of sexually harassing behavior identified in the University’s nondiscrimination policies.

### **What is Sex/Gender Discrimination?**

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

### **What is Sexual Misconduct?**

Sexual misconduct is a term used by Stockton includes sexual harassment, gender-based harassment and sexual violence.

#### *Sexual and Gender-Based Harassment*

Sexual or gender-based harassment are forms of sex discrimination prohibited under the [New Jersey Law Against Discrimination](#). Additionally, sex discrimination includes claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Similarly, actual or perceived sexual orientation or gender identity of the parties does not change Stockton’s obligation to investigate and resolve allegations. An act of sexual and gender-based harassment is sexual misconduct.

In the educational context, quid pro quo harassment occurs when a University employee explicitly or implicitly conditions a student’s participation in an education program or activity or bases an educational decision on the student’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn. Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student’s ability to participate in or benefit from Stockton’s programs. Sometimes harassment of a student by an employee in the school’s program does not take place in the context of the employee’s provision of aid, benefits, or services but nonetheless is sufficiently serious to create a hostile educational environment.

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take prompt and effective calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects (Source: [Title IX 2001 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties](#)). The U.S. Department of Education Office of Civil Rights provides additional guidance through its Dear

Colleague Letters.

### **What is sexual violence?**

Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving *consent* due to the Complainant's *incapacitation* from the use of drugs or alcohol. An act of sexual violence is sexual misconduct.

A number of different acts fall into the category of sexual violence, including dating violence, rape, sexual assault, sexual battery, and sexual coercion. Additionally, a single instance of sexual violence can constitute a hostile environment.

While some survivors turn to the criminal justice system, others look to their schools for help or recourse. That can mean a number of things – from giving a Complainant a confidential place to turn for advice and support, to effectively investigating and finding out what happened, to sanctioning the Accused, to doing everything we can to help a survivor recover. However, where the Accused is not a current Stockton employee or a current enrolled student, Stockton can ban the individual from campus as its options against such individual.

Sexual violence can result in trauma to the Complainant and other persons associated with the Complainant.

A Glossary of Terms is contained in Appendix B.

### **Affirmative Consent**

Sexual misconduct is sexual advances or sexual activity undertaken without consent, therefore, each participant must obtain and give consent to each sexual advance or act. Preventing sexual violence begins with mutual respect and understanding of consent to sexual activity.

Affirmative consent (“consent”) is affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Consent is an informed decision made freely and actively by all parties. Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. Because sexual misconduct is defined as sexual activity that is undertaken without consent, each participant must obtain and give consent to each sexual act.

Consent is an affirmative decision to engage in mutually acceptable sexual activity, and consent is given by clear actions or words. People are strongly encouraged to talk with each other before and during any sexual interaction. Relying solely upon non-verbal communication can lead to miscommunication.

It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include when an individual is significantly impaired due to alcohol or other drugs, scared, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

People with mental disabilities cannot give consent to sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves. The mental disability of the Complainant must be known (or reasonably knowable) to the non-disabled sexual partner, in order to hold them responsible for the violation.

The following are clarifying points:

- ☒ Consent is required each and every time there is sexual activity;
- ☒ At any and all times when consent is withdrawn or not verbally agreed upon, the sexual activity must stop immediately;
- ☒ Consent to some levels of sexual activity does not imply consent to all levels of sexual activity. Each new level of sexual activity requires consent;
- ☒ The person(s) who initiate(s) a new level of sexual activity is responsible for asking for consent;
- ☒ A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Being intoxicated does not diminish one's responsibility to obtain consent;
- ☒ Bodily movements and non-verbal responses such as moans are not consent;
- ☒ Silence, passivity, or lack of active resistance is not consent;
- ☒ Intentional use of alcohol/drugs does not imply consent to sexual activity;
- ☒ Seductive dancing or sexy/revealing clothing does not imply consent to sexual activity;
- ☒ Anyone under the age of 16 cannot give consent;
- ☒ Use of agreed upon forms of communication such as gestures or safe words is acceptable, but must be discussed and verbally agreed upon by all parties before sexual activity occurs.

## **Incapacitation**

Incapacitated persons cannot give consent. One who is incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware, or otherwise helpless, is incapable of giving consent.

One must not engage in sexual activity with another whom one knows (or should reasonably know) to be incapacitated. Physically incapacitated persons are considered incapable of giving effective consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.

Examples of incapacitation include

- ☒ unconscious,
- ☒ sleeping,
- ☒ frightened,
- ☒ physically or psychologically pressured or forced,
- ☒ intimidated,
- ☒ threatened

Incapacitation can also result from

- ☐ a psychological health condition,
- ☐ voluntary intoxication,
- ☐ involuntary use of any drug, intoxicant or controlled substance

### **GENERAL GUIDANCE FOR COMPLAINANTS OF SEXUAL ASSAULT, DOMESTIC or DATING VIOLENCE, STALKING OR OTHER CRIME**

Sexual assault, domestic or dating violence, and stalking are crimes under the New Jersey Penal Code. Victims of these crimes are strongly encouraged to file a criminal complaint with the appropriate police jurisdiction in which the alleged incident occurred.

If you are a victim of sexual assault, domestic or dating violence, stalking or other crime, first and foremost is get to a safe place.

Additionally, it is important to preserve evidence and establish a chain of custody as soon as possible. Preserving evidence may help prove an offense of sexual assault, domestic violence, stalking or other crime occurred, and may be used to establish the need for a restraining order or no contact order. Some suggestions:

- Do not bathe, shower, douche or change your clothes prior to reporting an assault to the police or seeking medical attention. This could greatly assist any investigation of the incident.
- It is recommended that you do not eat, drink, smoke, or urinate in order to preserve evidence.
- Get immediate medical attention for possible injuries, sexually transmitted diseases and pregnancy. A medical exam allows evidence to be collected by a Sexual Assault Nurse Examiner (SANE).

Also ...

- Talk to someone you trust so that you are not alone.
- Believe in yourself. You are not to blame for someone else's actions.
- Give yourself time to heal.
- Seek professional help.

More detailed information is provided in [Victim Notification](#) of Rights and Options While Attending Stockton University.

### **Places to Report Sex Discrimination and Sexual Misconduct**

Resources for assistance and support are available both on campus and in the community.

Persons impacted by sexual violence and other forms of sexual misconduct are encouraged to discuss and report any criminal actions with the Campus Police Department, Building 71, 609-652-4390.



Under both the Clery Act and under Title IX, however, the Complainant retains the decision to report a sexual assault or other forms of sexual violence to campus police. Reporting to police or filing a complaint is not necessary for a Complainant to receive counseling or other supportive services.

**To Report Sex/Gender Discrimination**

The Title IX Coordinator or any Deputy Title IX Coordinator can receive reports of sex/gender discrimination, as well as the Director of Human Resources.

Contact Person	Phone   Email	Office Location
Valerie O. Hayes Chief Officer / Title IX Coordinator	609-652-4693 <a href="mailto:Valerie.Hayes@stockton.edu">Valerie.Hayes@stockton.edu</a>	L-214
Alan Zellner Deputy Chief Officer for Institutional Diversity and Equity / Deputy Title IX Coordinator	609-652-4366 <a href="mailto:Alan.Zellner@stockton.edu">Alan.Zellner@stockton.edu</a>	L-214
Linda Yost Associate Director of Intercollegiate Sports / Deputy Title IX Coordinator (Athletics)	609-652-4217 <a href="mailto:Linda.Yost@stockton.edu">Linda.Yost@stockton.edu</a>	MRC-303
Amy L. Jones Director / Deputy Title IX Coordinator (Students)	609-652-4691 <a href="mailto:Amy.Jones@stockton.edu">Amy.Jones@stockton.edu</a>	F-107
Thomas Chester Assistant Vice President (Employees)	609-652-4589 <a href="mailto:Thomas.Chester@stockton.edu">Thomas.Chester@stockton.edu</a>	J-115
Rahmaan Simpkins Assistant Vice President (Employees)	609-626-6488 <a href="mailto:Rahmaan.Simpkins@stockton.edu">Rahmaan.Simpkins@stockton.edu</a>	J-115

**To Report an Incident of Sexual Misconduct, Stalking, Domestic or Dating Violence**

Students and employees who have been impacted by sexual misconduct are strongly encouraged to report the sexual misconduct early, before such conduct becomes severe or pervasive, so that Stockton can take steps to prevent the harassment from creating a hostile environment. Individuals impacted by sexual violence and other forms of sexual misconduct are encouraged to discuss and report any criminal actions with the Campus Police Department, Building 71, 609-652-4390.

Any contact person listed below can receive reports of sexual misconduct. One or more of the persons below may be involved in Stockton’s response to incidents of sexual misconduct. Therefore, you need only contact one of these resources.

Contact Person	Phone   Email	Office Location
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Laurie Dutton Director <i>(For reports from or about students)</i>	609-626-3611 <a href="mailto:Laurie.Dutton@stockton.edu">Laurie.Dutton@stockton.edu</a>	Women's, Gender and Sexuality Center J-204 <i>(confidential resource)</i>
Adrian Wiggins Director of Campus Public Safety <i>(All reports regardless of source)</i>	609-652-4378 <a href="mailto:Adrian.Wiggins@stockton.edu">Adrian.Wiggins@stockton.edu</a>	Campus Police Department Building 71 and Atlantic City Campus
Any Campus Police Officer	609-652-4390 For emergencies, 911	Campus Police Department Building 71
Valerie O. Hayes Chief Officer /Title IX Coordinator <i>(For reports from employees, students, and others)</i>	609-652-4693 <a href="mailto:Valerie.Hayes@stockton.edu">Valerie.Hayes@stockton.edu</a>	Office of Institutional Diversity & Equity L-214B
Alan E. Zellner Deputy Chief Officer for Institutional Diversity and Equity <i>(For reports from employees, students, and others)</i>	609-652-4693 <a href="mailto:Alan.Zellner@stockton.edu">Alan.Zellner@stockton.edu</a>	Office of Institutional Diversity & Equity L-214A
Amy L. Jones Director / Deputy Title IX Coordinator <i>(For reports from students)</i>	609-652-4691 <a href="mailto:Amy.Jones@stockton.edu">Amy.Jones@stockton.edu</a>	Office of Student Rights and Responsibilities F-107
Stacey Rose Assistant Director <i>(For reports from students)</i>	609-626-3585 <a href="mailto:Stacey.Rose@stockton.edu">Stacey.Rose@stockton.edu</a>	Office of Student Rights and Responsibilities F-107
Residential Life Office <i>(For reports from students)</i>	609-652-4332 (Housing 2 and 3) or 609-652-4697 (Housing 1, 4, 5, and Stockton owned and Affiliated Properties) 609-761-1232 (Atlantic City)	A-100, 82-3, Atlantic City
Resident Assistants <i>(For reports from students)</i>	Contact information provided to residents by the Residential Life Office	Any Residence Hall
India Karavackas <i>(For reports from faculty and students in study abroad programs and study tour courses)</i>	609-626-3537 <a href="mailto:India.Karavackas@stockton.edu">India.Karavackas@stockton.edu</a>	Director, Office of Global Engagement F-101k

*On-Campus Confidential Safe Places\**

- Women's, Gender, and Sexuality Center – J-204 | 609-626-3611
- Counseling Services in the Wellness Center – J-204 | 609-652-4722
- Health Services in the Wellness Center (Licensed Physicians and Nurses only) – WQ 108 | 609-652-4701

- Osprey Advocates (certified victim advocates) – contact the AVANZAR (formerly Women’s Center of Atlantic County) 24 Hour Crisis Hotline 609-646-6767

\*Confidential means those safe places where a person impacted by sexual violence or other forms of sexual misconduct may share the incident with a licensed counselor, licensed physician, nurse, or certified victim advocate without having the person’s name reported to anyone else. For Clery Act reporting purposes, the Campus Police Department is informed of the incident but without revealing the person’s name.

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

**Off-Campus Resources\*\***

Atlantic City

- AtlantiCare Regional Medical Center, [City Division](#) (SANE Exam Location) | 609-344-4081
- Psychiatric Intervention Program | 609-344-1118
- South Jersey Legal Services | 1-800-496-4570 or 609-348-4200
- Catholic Charities | 609-345-3448
- New Jersey Department of Family and Community Development | 609-348-3001

Cape May County

- Coalition Against Rape and Abuse | 1-877-294-2272

Galloway

- AtlantiCare Regional Medical Center, [Mainland Campus](#) | 609-652-1000
- Catholic Charities Ministry Center | 609-804-0200
- Galloway Township Police Department | 609-652-3705
- Mental Health Association | 609-652-3800

Hammonton

- AtlantiCare Health Park (SANE Exam Location) | 609-704-3360

Linwood (but new location will be in Pleasantville)

- AVANZAR (formerly the Women’s Center) | 1-800-286-4184 (24-hours) or 609-646-6767

Somers Point

- Shore Medical Center (SANE Exam Location) | 609-653-3500

Other Resources

- Atlantic County Prosecutor’s Office, Victim Witness | 609-909-7850
- National Suicide Prevention Lifeline | 1-800-273-8255
- [Stalking Resource Center](#), National Center for Victims of Crime
- Trevor Lifeline (LGBTQ special crisis line) | 1-866-488-7386 or text “Trevor” to 1-202-304-1200
- U.S. Dept. of Homeland Security, Citizenship and Immigration Services | 1-800-375-5283
- Veteran’s Services Crisis Hotline | 1-800-272-8255

\*\* The [Victim Notification](#) contains additional detail on off-campus resources. Please note that

off-campus resources may have their own confidentiality standards.

### **Interim Measures**

Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

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

Interim measures are individualized and appropriate based on the information gathered by the Title IX Coordinator, Residential Life, Women's Gender & Sexuality Center, and/or Office of Student Rights and Responsibilities, making every effort to avoid depriving any student of their education. The measures needed by each student may change over time, and the Title IX Coordinator, Residential Life, Women's Gender & Sexuality Center, and/or the Office of Student Rights and Responsibilities should communicate with each student to ensure that any interim measures are necessary and effective based on the students' evolving needs.

### **Good Samaritan**

In an effort to promote responsible student behavior and respect for the health and welfare of all members of the collegiate community, Campus Hearing Board panel members may take into account whether an Accused student attempted to take remedial action to assist a Complainant in a life-threatening situation when determining the appropriate sanction. Providing students with necessary medical assistance due to over-consumption of alcohol and/or other drugs takes priority over judicial or criminal considerations. Students are encouraged strongly to seek immediate assistance for themselves or their friends without regard for possible disciplinary or criminal concerns. Consideration for disciplinary leniency will be considered for students who require medical support or who request medical support for others due to dangerous consumption of alcohol or drugs.

### **Good Faith Belief in Reporting**

There is an assumption of good faith belief in reporting. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered false accusations.

Any employee or student who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information during an investigation of a complaint or during a judicial hearing, may be subjected to administrative and/or disciplinary action, up to and including termination of employment or suspension or expulsion from the residence halls and/or the University.

## Retaliation Prohibited

Retaliation against any employee or student who alleges that she or he was the Complainant of sex discrimination and sexual misconduct, provides information during an investigation into claims of sex discrimination or sexual misconduct, or opposes a discriminatory practice, is prohibited by this policy. No employee or student bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Following are examples of prohibited actions taken against an employee or student because the employee or student has engaged in activity protected by this subsection:

- ☒ Termination of an employee or dismissal of a student;
- ☒ Failing to promote an employee;
- Altering an employee's work assignment or a student's course or work schedule for reasons other than legitimate business reasons;
- ☒ Imposing or threatening to impose disciplinary action on an employee or student for reasons other than legitimate business reasons; or
- ☒ Ostracizing an employee or student (for example, excluding an employee or student from an activity or privilege offered or provided to all other employees or students).

## Reporting and Confidentially Disclosing Sexual Misconduct

Stockton University encourages Complainants of sexual violence or other forms of sexual misconduct to talk to someone about what happened – so Complainants can get the support needed and the University can respond appropriately. Different employees on campus have different abilities to maintain a Complainant's confidentiality.

1. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Within the Wellness Center, only employees of the Women's, Gender, and Sexuality Center, the Osprey Advocates who are certified victim advocates, employees of Counseling Services, and the licensed physicians and nurses in Health Services have the ability to maintain a Complainant's confidentiality.
2. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f), some employees may talk to a Complainant, and generally only report to the Campus Police Department that an incident occurred without revealing any personally identifying information, unless the Complainant consents to revealing the name. Talking to these employees about an incident will not trigger a police investigation into an incident against the Complainant's wishes. In this group are campus security authorities (see [Annual Security Report](#) for Campus Security Authority designated positions). Campus Security Authorities must report Clery Act crimes to the Campus Police Department. Campus Security Authorities must also report sexual misconduct, including sexual violence, to the Campus Police Department and to the Chief Officer/Title IX Coordinator.
3. Other faculty and staff employees are required to report all the details of an incident (including the

identities of both the Complainant and Accused) to the Chief Officer/Title IX Coordinator or a Deputy Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation. All other employees not referenced in 1 above are in this group.

Exception – Typically, disclosures by students in classroom writings and discussions about sexual misconduct and VAWA-related Title IX incidences do not give rise to a duty to report. As instructors, faculty will use their discretion in these situations and, when uncertain, faculty will bring concerns to the Chief Officer/Title IX Coordinator and to the Behavioral Intervention Team (Amy L. Jones, 652-4691) or to the Women’s, Gender & Sexuality Center (Laurie Dutton, 626-3611). If the content is threatening or posing a serious risk of harm, faculty will bring concerns to Amy L. Jones, 652-4691. Personally identifiable information may be omitted at first.

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

When addressing allegations of dating violence, domestic violence, sexual assault, or stalking, Stockton is subject to the Clery Act regulations as well as Title IX.

All Title IX reports shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. In cases involving sexual misconduct, Stockton will make every effort to maintain the Complainant’s anonymity and the privacy of the information it receives in a report.

To the extent practicable and appropriate under the circumstances, confidentiality will be maintained throughout the investigation process; however, it may be necessary to discuss the report with the Accused and other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the report. All persons with whom the report is discussed will be directed not to disclose any aspect of the report with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

The Chief Officer/Title IX Coordinator is responsible for determining whether Stockton can honor a request to withhold the Complainant’s identity while still providing a safe and nondiscriminatory environment for all students and employees. In cases where a Complainant of sexual misconduct requests confidentiality outside of the confidential resources, the following considerations must be weighed by the Chief Officer/Title IX Coordinator:

- a) The existence of other complaints about the Accused or the location or group involved,
- b) The use of a weapon, threats of further acts
- c) There are no means of obtaining other evidence, such as through security cameras or physical evidence.

If compliance with the Complainant’s request to withhold his/her identity is possible, Stockton must take all reasonable steps to respond consistent with confidentiality, such as providing increased security in specific locations, conducting climate surveys, publicizing policies prohibiting on sexual misconduct, and providing support services as available.

If Stockton must disclose the Complainant's identity, the Complainant will be informed in advance and interim measures will be taken to protect the student's safety. The Complainant also must be informed that retaliation is prohibited; however, Stockton's ability to respond may be limited if confidentiality is maintained.

### Part III

#### Responsible Employees

Under Title IX, a responsible employee includes any employee who has the authority to take action to redress the harassment, who has the duty to report sexual harassment or any other sexual misconduct by students or employees, or an individual who a student or employee could reasonably believe has this authority or responsibility. For example, Stockton has notice if a responsible employee knew or should have known of the sexual misconduct and has the authority to act through a proper inquiry.

Offices that have the authority to act and redress harassment are:

- Office of Institutional Diversity and Equity
- Office of Student Rights and Responsibilities
- [Campus Police](#)
- Office of Human Resources

Employees who have the duty to report incidences of discrimination and harassment are:

- All faculty
- All staff
- All administrators

Any employee is required to promptly report the incident(s) to a supervisor or directly to the Chief Officer for Institutional Diversity and Equity or to any other persons designated by the University to receive workplace discrimination complaints, such as the Chief Officer/Title IX Coordinator, Deputy Title IX Coordinator, and Associate Vice Presidents of Human Resources.

A reasonable person would know that an undergraduate resident student or other person on campus would likely see Resident Assistants as Stockton contacts to whom an incident may be reported. Resident Assistants are student workers who are responsible employees in this context and are required to make incident reports to their Complex Director. The Director/Deputy Title IX Coordinator (Students) informs the Chief Officer/Title IX Coordinator of the incident.

With the exception of the Women's, Gender, and Sexuality Center, the Osprey Advocates who are certified victim advocates, Counseling Services staff, licensed physicians and nurses in Health Services, Stockton considers all employees and student workers to be responsible employees who must report incidences of sexual misconduct to the Chief Officer/Title IX Coordinator or a Deputy Title IX Coordinator for Title IX reporting purposes.

Employees should make every effort to tell students, **before** the student reveals information that the student wants to remain confidential (1) of the responsible employee's obligation to reveal names and facts to the Chief Officer/Title IX Coordinator, (2) of the student's option to request confidentiality, and (3) of their ability to share private information with designated confidential resources.

Employees must report “all relevant details” including (if known) the identities of the Accused, the Complainant, and other individuals involved, as well as the date, time, and location, and a brief description of the incident. Any responsible employee who receives a report of sexual violence **must** contact the Chief Officer/Title IX Coordinator either by email, phone, mail, or in-person. Any resident assistant who receives a report of sexual violence must report it to his or her Complex Director.

Individuals are encouraged to contact the Chief Officer/[Title IX Coordinator](#) with any recommendations regarding ways to improve the effectiveness of the campus’ implementation of its policies and procedures on these matters.

## NOTICE

Stockton has notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment.

Responsible employees who receive notice of an incident of sexual violence that occurs on or off campus that involves a member of the Stockton campus community must report it to the Chief Officer/Title IX Coordinator (609-652-4693|Valerie.hayes@stockton.edu), a Deputy Title IX Coordinator, and/or the Campus Police Department, regardless of whether a formal complaint was filed. Once Stockton has notice of sex discrimination or sexual misconduct, it **must** take prompt interim steps to end the discrimination and sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

### Direct Notice

Stockton has direct notice when a responsible employee knew, or in the exercise of reasonable care, should have known about the sex discrimination and sexual misconduct. Stockton also can receive direct notice of sex discrimination and sexual misconduct in many different ways, e.g. from students, parents, community members, and others. Public awareness events and forums for disclosure of experiences related to sexual violence, such as *Tack Back the Night* events, are not necessarily considered notice to trigger an investigation without a complaint by the sexual violence Complainant/survivor. Nonetheless, Stockton will respond to such disclosures by ensuring survivors are aware of available resources, the ability to file a complaint, and options for reporting that could include reviewing policies, creating campus-wide educational programming, and conducting climate surveys.

### Indirect Notice

Stockton also may receive indirect notice about incidents in an indirect manner from sources such as a member of the local community, social networking sites, or the media. If Stockton learns of incidents, an investigation will ensure to the extent possible the discovery of additional incidents.

If Stockton learns of an incident through other means such as a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect Stockton’s response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any



individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter.

## **Part IV**

### **Administrative Response Protocol to Reports of Sexual Misconduct**

Stockton's administrative response protocol extends to all Stockton, property, facilities and programs including current locations in Galloway, Atlantic City, Nacote Creek, Woodbine, Manahawkin, and Hammonton.

The role of faculty and staff as responsible employees, as well as the role of campus security authorities, is covered elsewhere in this resource guide.

#### **Residential Life Office**

If a Resident Assistant (RA) becomes aware of a sexual assault or other form of sexual misconduct, the RA must make the Complainant aware that the RA is required to report the incident to the Complex Director on duty and disclose the Complainant's name so as to obtain appropriate assistance. Complainants should be informed that while Residence Life Staff will take steps to protect the Complainant's privacy, they cannot guarantee confidentiality, as there are some circumstances in which they will be required by law to pursue some level of action to protect not only the Complainant, but other members of the University community as well. Once contacted, the Complex Director on duty will notify the manager on call and implement the sexual misconduct protocol.

#### **Campus Police Department**

If the Complainant wishes to pursue a criminal investigation, a Campus Police Investigator will follow the investigative protocols established by the Atlantic County Prosecutors' Office. As per the Prosecutors' Policy Manual, policy 19.1.2, the police shall immediately call to the Atlantic County Women's Shelter and request activation of the Sexual Assault Response Team (SART). The Campus Police Investigator shall work with the Complainant, SART and, when applicable, with the Prosecutor's Investigator to thoroughly investigate the crime and identify the suspect. The Campus Police Investigator will work cooperatively with the Prosecutor's personnel to ensure that Stockton University is fulfilling its Title IX requirements.

#### **Office of Institutional Diversity and Equity**

The Chief Officer/Title IX Coordinator, Valerie O. Hayes, who is located in the Office of Institutional Diversity and Equity, L-214, 609-652-4693 receives all Title IX reports and complaints and oversees complaint resolution through designated staff actions. The Chief Officer/Title IX Coordinator also identifies and collaborates with others to address any patterns or systemic problem that arise during the review of Title IX reports and complaints. Supervises Title IX investigations conducted by designated administrative Title IX investigators.

The Chief Officer/Title IX Coordinator or designee must receive all reports and complaints of sexual misconduct, including the Complainant's name, for purposes of (1) ensuring that interim measures have been offered to the Complainant, (2) identifying and addressing any patterns or systemic problems that

arise, and (3) determining whether the Complainant wishes to have the incident investigated, either administratively or criminally.

#### *Known Complainants*

The Chief Officer/Title IX Coordinator meets with the Complainant to discuss interim measures and options, including an administrative Title IX investigation. If the Complainant of sexual misconduct wishes to file an administrative Title IX investigation, instead of or before a criminal investigation, the Chief Office/Title IX Coordinator assigns the case to two designated Administrative Title IX Investigators and supervises the Title IX investigation.

In the event the Complainant wishes for a criminal investigation at the same time as an administrative Title IX investigation, the Title IX administrative investigation may proceed while the criminal investigation is ongoing. The University may temporarily delay its administrative Title IX investigation at the request of the Prosecutor's Office while the police are gathering evidence but will promptly resume and complete its administrative investigation after being notified that the police fact-finding is completed.

The crime of sexual assault has no statute of limitations. Therefore, the Administrative Title IX Investigators will thoroughly document the actions they have taken during the administrative Title IX investigation.

#### *Anonymous Reports*

Anonymous reports are reports from someone who does not want their name known. Occasionally, responsible employees or the Chief Officer/Title Coordinator receives an anonymous report from person(s) who wish to remain anonymous. The Office of Institutional Diversity and Equity will follow up on anonymous reports, to the extent possible.

#### *Outcome Shared with Complainant and Accused*

Matters before the Campus Hearing Board typically involve allegations against a student. In such matters, the outcome is provided to the Complainant and the Accused, as well as the Chief Officer/Title IX Coordinator.

In matters where an employee is accused, the [Procedures for Internal Complaints Alleging Discrimination in the Workplace](#). In such matters, the Office of Institutional Diversity and Equity conducts the fact-finding investigation and prepares the investigative report. A final determination letter, signed by the President's designee, is sent to the Complainant and Respondent.

### **Office of Student Rights and Responsibilities**

The Office of Student Rights and Responsibilities submits Sexual Misconduct Report to the Behavioral Intervention Team (BIT) Chair. The BIT Chair receives an anonymous report summarizing the event. The BIT chair catalogues the report and advises the Chief Officer/Title IX Coordinator.

#### *File Campus Code of Conduct Complaint*

Any individual may file a complaint of sexual discrimination, sexual misconduct, or VAWA claim related

to Title IX, with the Office of Student Rights and Responsibilities; however, the Chief Officer/Title IX Coordinator will assign the complaint to the Administrative Title IX Investigators. After the fact-finding investigation (or interim suspension decision) the student campus hearing process will be initiated. The process is outlined in [Procedure 1032 Student Campus Hearing Board](#). The Complainant may choose to speak with and/or provide a statement to the Pre-Hearing Officer prior to the start of the conduct resolution process.

### *Student Conduct Process*

The conduct process begins with the accused individual receiving notice of the alleged charge(s) being filed and the need for a Pre-Hearing Interview. During the Pre-Hearing Interview, the Accused, reviews the complaint and charges, the process, their rights and role in the process, and their options. The Accused will have a chance to enter a plea of responsible or not responsible to the charge(s). Pleas of responsible may result in either an immediate sanctioning by the Pre-Hearing Officer based on the sanction guideline used for the Campus Hearing Board process or referral to a Student Campus Hearing Board to review and assignment of sanctions. Cases where an Accused fails to enter a plea or pleas not responsible will be referred to the Campus Hearing Board for adjudication.

### *Outcome and Appeals Processes Shared with Complainant and Accused*

Consistent with applicable laws, the final outcome of the conduct process will be shared with those who need to know, including the Complainant and the Accused.

### **Office of the Dean of Students**

The Dean of Students makes interim suspension decisions, either completely, in a specified manner, or to not intermily suspend the accused student. If a student is placed on interim suspension, the student will have the right to appeal the separation per the University's policy. The interim suspension or appeal decision will remain in place until a hearing is conducted and an outcome with appropriate sanctions are assigned.

All available facts concerning the incident are considered by Campus Police and several staff trained in threat assessment. The Dean of Students will receive a recommendation from these staff to place the student on interim suspension if the behavior is viewed as seriously threatening to an individual or the community at-large. The interim suspension may be all inclusive (e.g., barring the accused student from campus, or, specific, such as barring a student from a specific area on campus). The staff may also recommend no interim suspension be applied when the facts do not support such action.

### **Office of Human Resources**

If an employee Complainant makes a report of sexual misconduct to the Office of Human Resources (HR) about sex discrimination, sexual misconduct, or VAWA claim related to Title IX, HR will take the following steps in priority order:

1. Provide immediate assistance to the Complainant or affected party:
  - Assess immediate health care needs by identifying health care options and ensuring the Complainant is aware of the options to seek treatment for injuries and other health services; discuss the option of seeking medical treatment in order to preserve evidence.

- Provide emergency numbers for on- and off- campus safety, law enforcement, and other first responders;
  - Identify and provide Employee Assistance Program resources and contact information for the trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation (e.g., obtain needed resources, explain reporting options, and help navigate the reporting process)
  - List locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a Complainant to the hospital or health provider.
2. Make a report to the Chief Officer/Title IX Coordinator or a Deputy Title IX coordinator for Title IX reporting purposes.
  3. Make a report, with the appropriate level of anonymity, to Campus Police for Clery Act reporting purposes.
  4. If the reported incident involved potential employee misconduct other than sexual misconduct, HR will investigate the matter and make recommendation for employee discipline as appropriate.

### **Office of Global Engagement**

The Office of Global Engagement advises all students participating in the study abroad program of victims' rights and resources for counseling and other treatment related to sexual assault and sexual misconduct. Prior to departure, students sign waivers and permissions to share health and safety information.

If the Study Abroad Advisor becomes aware of a sexual assault or sexual misconduct occurring on a study abroad program, the Study Abroad Advisor must make the Complainant aware that the Study Abroad Advisor is obligated to report the incident, including the Complainant's name, to the Director of the Office of Global Engagement. The Director will report the incident to the Chief Officer/Title IX Coordinator and work with the third-party provider agency to collect all relevant information and develop a plan of action to secure the physical and mental well-being of the victim. The Wellness Center, Campus Police and Office of General Counsel will be engaged as appropriate. The safety of victims and victims' rights varies worldwide and should inform all decision-making, including the decision to file criminal complaints.

Faculty leading short-term programs abroad are Responsible Employees under Title IX and Campus Security Authorities under the Clery Act when escorting students abroad. If a faculty member is made aware of a sexual assault or other form of sexual misconduct, the faculty member must take immediate steps to eliminate the threat and secure the physical and mental well-being of the victim. The faculty member is obligated to report the incident, including the Complainant's name, to the Director of the Office of Global Engagement. The Director will report the incident to the Chief Officer/Title IX Coordinator and engage the Wellness Center to develop a treatment plan for the victim. If the alleged perpetrator of the incident involves another Stockton student, the Office of Student Rights and Responsibilities will be engaged to determine the nature of the incident and whether the Student Code of Conduct was violated.

All students participating on a faculty-led program abroad are informed of victims' rights and resources for counseling and other treatment related to sexual assault and sexual misconduct. Prior to departure, students must sign waivers and permissions to share health and safety information.

## Part V

### INFORMAL RESOLUTIONS OF COMPLAINTS

If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a full disclosure of the allegations and their options for formal resolution and if a school determines that the particular Title IX complaint is appropriate for such a process, the school may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution (*Source: September 2017 U.S. Department of Education Office for Civil Rights Q&A on Campus Sexual Misconduct*). The Office of Student Rights and Responsibilities (609-626-3585) handles informal resolution between students. The Ombuds Office (609-626-6488) handles informal resolution between employees.

### TITLE IX INVESTIGATIONS AND CRIMINAL INVESTIGATIONS IN SEXUAL VIOLENCE CASES

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

In a complaint of sexual misconduct, the Complainant has the right not to report the matter to the Campus Police Department. The complainant also has the right to request that an administrative Title IX investigation not be conducted.

Police investigations may be useful for fact-gathering; however, the standard for criminal investigations is different and police investigations or reports are not determinative of whether sexual violence violates Title IX and this policy. Unlike a criminal investigation where *beyond a reasonable doubt* is the evidentiary standard, the *preponderance of the evidence* is the standard in Title IX and other prohibited discrimination investigations. If a Stockton campus hearing board determines the Accused committed an act of sexual violence, the penalty could include sanctions up to and including, academic and residential suspension and/or expulsion.

#### Administrative Complaints and Hearings

The Office of Institutional Diversity and Equity processes complaints of harassment and other forms of prohibited discrimination, including sexual misconduct (L-214, 609-652-4693). The Chief Officer/Title IX Coordinator oversees all Title IX reports, complaints, and fact-finding investigations.

Under the New Jersey Law Against Discrimination, all fact-finding investigations into allegations of discrimination/harassment are confidential; however, such confidentiality does not prohibit parties or witnesses from obtaining and presenting evidence during the fact-finding investigation.

The Office of Institutional Diversity and Equity investigates complaints of discrimination against employees in accordance with the Policy Prohibiting Discrimination in the Workplace and Procedures for Internal Complaints Alleging Discrimination in the Workplace.

The Office of Institutional Diversity and Equity also investigates complaints against students accused of sexual misconduct and VAWA-related Title IX claims. Stockton will conduct a prompt and equitable investigation into allegations of sex discrimination, sexual misconduct, and VAWA-related Title IX claims.

The Office of Student Rights and Responsibilities (F-107, 609-626-3585) oversees the conduct process for students. All incidences involving students, whether as Complainants or Respondents, are processed under the [Student Campus Hearing Board](#).

To the extent possible, individuals designated to handle complaints, conduct investigations, or participate on campus hearing boards will maintain the confidentiality of complaints, investigations and hearings.

### **Time Frames for Administrative Investigations and Conduct Process**

There is no fixed time frame under which Stockton must complete an investigation (*September 22, 2017 OCR Interim Guidance Q&A*). Stockton will make a good faith effort to conduct a fair, impartial, and thorough process for all parties involved in an Administrative Title IX investigation is a University priority. The University will make good faith efforts to complete the investigative and adjudicative processes within 60 calendar days, provided doing so does not compromise the University's ability to conduct a fair, impartial, and thorough investigation and adjudicative process. The resolution period may extend beyond 60 calendar days in complex cases, or where other circumstances necessitate additional time to investigate, adjudicate or otherwise resolve the matter.

Typically, a victim's advocate attends the intake interview with the Complainant. At that time, the Complainant will have a full opportunity to provide a detailed account of the incident and present evidence, including witnesses.

After the complaint intake process is completed, the Accused is provided with written notice in advance of any interview the provides sufficient details to include the identities of the parties involved, the specific section of the policy and/or code allegedly violated, the precise complained of conduct, and the date and location of the alleged incident. The Chief Officer/title IX Coordinator will contact the Respondent who will be provided sufficient time to prepare for meaningful participation in the fact-finding process. The Respondent will have the opportunity to have a support person present during the process. The Office of Student Rights and Responsibilities maintains a list of individuals who can provide Respondent support. At the interview, the Respondent will have a full opportunity to provide a detailed account of the incident and present evidence, including witnesses.

During the fact-finding investigation, trained Administrative Title IX investigators collect information and relevant documents, after which the evidence gathered is provided to the Office of Student Rights and Responsibilities that impanels the hearing board. The Complainant and Respondent, as well as appropriate University officials, must have timely and equal access to any information used in the hearing board process. The hearing board members analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case.

### **Evidentiary Standard**

Stockton uses the preponderance of the evidence standard in determining whether prohibited

discrimination/harassment occurred. The preponderance of the evidence standard applies to all complaints of discrimination/harassment under the New Jersey Law Against Discrimination and the University's nondiscrimination policies, as well as all allegations of violations under Code of Conduct.

See [Student Procedure](#) Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment, as well as [Procedures for Internal Complaints](#) Alleging Discrimination in the Workplace, for more procedural information.

## Part VI

### DESIGNATED TITLE IX COORDINATORS AND TITLE IX INVESTIGATORS

Dr. Valerie O. Hayes, Esq., Chief Officer for Institutional Diversity and Equity as Stockton's Title IX Coordinator (L-214, 101 Vera King Farris Drive, 609-652-4693, Valerie.Hayes@stockton.edu). The Chief Officer/Title IX Coordinator role entails active oversight and involvement in the implementation of Title IX to ensure that Stockton adheres to the requirements of Title IX.

The Chief Officer/Title IX Coordinator's responsibilities include, but may not be limited to:

- Overseeing and receiving all Title IX reports and complaints, overseeing complaint resolution through designated staff actions
- Identifying and addressing any patterns or systemic problems that arise during the review of Title IX reports and complaints.
- Ensuring individuals impacted by sexual violence receive information on resources, on reporting the misconduct, and on accommodations to academic, housing, transportation, work, and any medical or mental health treatment and counseling.
- Reviewing all policies, procedures and codes pertaining to sex discrimination and sexual misconduct to ensure consistency and compliance.
- Reviewing the quality, content, and documentation of all campus Title IX education and training, as well as documenting the distribution and delivery of all prevention and awareness campaigns such as literature, brochures, etc.
- Evaluating requests for confidentiality, outside of the confidentiality provided by the confidential reporting resources, in light of Stockton's responsibility to provide a safe and nondiscriminatory environment for all students and the University community.
- Ensuring interim measures protect the educational opportunity for the Complainant and the Accused.
- Overseeing administrative fact-finding investigation process.
- Handling complaints of harassment by third parties.
- Distributing Title IX nondiscrimination notices to all students and employees at least once during the academic year.
- Sending Title IX nondiscrimination notices to all students and employees in the fall and spring semesters.
- Ensuring nondiscrimination notices are prominently posted on the office's website, at various locations on campus, and in electronic and printed publications for general distribution and included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials.

- Working with the Office of Student Rights and Responsibilities in tracking reports of sexual misconduct.
- Overseeing the development, administration, and analysis of a Title IX campus climate survey, which is administered every three years.
- Chairing Stockton’s Title IX Practitioners Group.
- Overseeing other Title IX activities as they arise including, but not limited to, coordinating the investigation of any resulting complaints filed with the U.S. Department of Education’s Office for Civil Rights (“OCR”).
- Receiving inquiries concerning Title IX and its implementing regulation, as well as OCR guidance.

Stockton has Deputy Title IX Coordinators who assist the Chief Officer/Title IX Coordinator in ensuring that Stockton addresses its Title IX responsibilities.

- Alan E. Zellner, Deputy Chief Officer for Institutional Diversity and Equity , is the Deputy Title IX Coordinator in the Office for Institutional Diversity and Equity (L-214, 609-652-4693, [alan.zellner@stockton.edu](mailto:alan.zellner@stockton.edu)). He assists the Chief Officer/Title IX Coordinator with various Title IX implementation activities that involve faculty, staff, and students. He receives reports of sex discrimination and sexual misconduct, including VAWA claims related to Title IX. He is the lead Title IX Investigator in sexual misconduct cases and VAWA claims related to Title IX.
- Amy L. Jones, Director of Student Rights and Responsibilities is the Deputy Title IX Coordinator (Students) (F-107, 101 Vera King Farris Drive, 609-652-4691, [Amy.Jones@stockton.edu](mailto:Amy.Jones@stockton.edu)). She assists the Chief Officer/Title IX Coordinator in overseeing the collection of and response to Title IX reports of sex discrimination and sexual misconduct received by or about students. She may assist in the design and delivery of education programs about Title IX, raising awareness about sexual misconduct and its prevention. In consultation with the Chief Officer/Title IX Coordinator, she may assist in other aspects of implementing Title IX.
- Linda Yost, Associate Director of Intercollegiate Sports, is the Deputy Title IX coordinator (Athletics) (MRC-303, 609-652-4217, [Linda.Yost@stockton.edu](mailto:Linda.Yost@stockton.edu)). She primarily assists the Chief Officer/Title IX Coordinator in Stockton’s compliance efforts regarding gender equity in Athletics. She receives reports of sex discrimination and sexual misconduct, including VAWA claims related to Title IX. She also works with the Office of Institutional Diversity and Equity to provide information to student athletes and coaches about Title IX, raising awareness and supporting prevention efforts.

In addition to the Deputy Title IX Coordinators, Stockton has trained managers who are designated Title IX investigators and who conduct administrative investigations into allegations of sexual violence under the supervision of the Chief Officer/Title IX Coordinator.

#### **TITLE IX PRACTITIONERS GROUP**

The Title IX Practitioners Group assists the Chief Officer/Title IX Coordinator in Stockton’s compliance with Title IX. The Title IX Practitioners Group is largely comprised of individuals who have direct responsibility for the administrative response to reports of sexual misconduct or who have other Title IX related responsibilities.

- Valerie Hayes, Chief Officer/Title IX Coordinator



- Alan Zellner, Deputy Officer for Institutional Diversity and Equity/Deputy Title IX Coordinator
- Steven Radwanski, Director of Residential Life
- Amy Jones, Director of Students Rights and Responsibilities/Deputy Title IX Coordinator (Students)
- Linda Yost, Associate Director for Intercollegiate Sports
- Jonathan Johnson, Director of the Office of Community Wellness & Health Education
- Laurie Dutton, Director, Women's, Gender & Sexuality Center
- Cynthia Parker, Lieutenant, Campus Police Department
- Ro Latoracca, Clery Compliance Coordinator
- Adrian Wiggins, Director of Campus Public Safety
- Marica Fiedler, Associate Professor of Jewish Studies
- Eileen Conran-Folks, Director, Hammonton & Manahawkin Instructional Sites
- India Karavackas, Director, Office of Global Engagement

### 2018-2019 TITLE IX INVESTIGATORS

Stockton uses a co-investigator model for Title IX sexual misconduct cases involving allegations of sexual assault and for VAWA-related Title IX cases of domestic violence, dating violence, and stalking. Managers and professional staff who conduct co-investigations with the Lead Title IX Investigator received Title IX investigator training from the [Association of Title IX Administrators](#).



First row from left to right: Lauren Wilson, Walead Abdrabouh, Eileen Conran-Folks, AmyBeth Glass, Dawn Konrady, and Joseph Everett. Second row from left to right: Walter Tarver III, Maralyn Mason, Linda Yost, Narina Parish, and Jonathan Johnson. Not pictured is Esther Lawrence and Alan Zellner.

## Part VII

### THE INTERSECTION OF TITLE IX, CLERY AND VAWA/CAMPUS SaVE

Title IX, Clery and VAWA/Campus SaVE<sup>2</sup> prohibit sexual violence, dating violence, stalking, and domestic violence.

#### The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f) requires all postsecondary institutions participating in Title IV student financial assistance programs to disclose campus crime statistics and security information. Acts of sexual violence are violations under criminal laws, as well as under Title IX, and are Clery Act crimes that **must** be reported by Campus Security Authorities to the Campus Police Department for statistical reporting, without disclosing any personal identifying information if the Complainant chooses not to report. It is important to note that *a Complainant of sexual violence has the right to choose not to report the incident to the police.*

[Campus Police](#) is responsible for implementing the Clery Act, preparing the Annual Security and Safety Report, training campus security and reporting authorities, providing crime prevention education, and conducting criminal investigations. Clery Act statistics provided in the [Annual Security and Safety Report](#), however, do not include the identity of the Complainant of sexual violence, whereas reports to the Chief Officer/Title IX Coordinator do identify the complainant for purposes of ensuring the Complainant receives information on resources and reporting the misconduct.

#### Campus Security Authorities

Stockton has identified campus security authorities (CSA) based on their position responsibilities for campus security and/or their significant responsibility for student and campus activities. Campus security authorities *must* report Clery Act crimes, which include sex offenses. Other individuals, including Complainants of sexual violence, are strongly encouraged to report incidences of sexual violence to the Campus Police Department.

Annually and in writing, the Director of Campus Public Safety notifies individuals of their designation as CSAs. Individuals holding the following positions are CSAs.

Campus Law Enforcement and Security Officers	On-Call Residential Life Staff
Contract Event Officers and Contract Security Officers	Student Development Event Coordinators
C.O.P.S. and Students Neighborhood Watch Personnel	Chief Officer/Title IX Coordinator Deputy Title IX Coordinators
Vice President, Associate – Student Affairs	Manager, Institutional Diversity & Equity
Dean of Student Affairs (Leaders in Student Affairs)	Administrators at Branch, Satellite or Separate Campuses

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<sup>2</sup> VAWA/Campus SaVE amended the Clery Act and Title IV of the Violent Crime control and Law Enforcement Act of 1994, Public Law 103-322.

Director, Associate, Assistant and Coordinator(s) – of Athletics	Director of Wellness Center
Athletic Coaches and Sport Club Advisors (Full-time, Part-Time and Volunteer)	Assistant Director of Student Development, Greek Life
Athletic Trainers	Deans and Assistant Deans, Academic Affairs (Leaders in Academic Affairs)
Directors in Student Affairs	Human Resources
Faculty or Staff Advisors to Student Organizations	Director of International Services
Facility Access Monitors	Washington Internship Coordinator
Resident Assistants	Assistant VP for Auxiliary Services
Orientation Leaders	

CSAs **must** report to the Campus Police Department the Clery Act crimes enumerated below.

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault.
5. Burglary
6. Theft of a motor vehicle
7. Manslaughter
8. Arson
9. Hate crimes: above listed crimes 1-8, plus larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property; and other crimes involving bodily injury to any person, in which the complaint is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the Complainant
10. Arrests (or persons referred for campus disciplinary action) for liquor law violations, drug-related violations, and weapons possession
11. Domestic violence, dating violence, and stalking incidents

For Clery Act and compliance with campus safety laws, the Campus Police Department must receive disclosures of an incident of sexual assault or other forms of sexual violence. Staff or faculty member<sup>3</sup> who receive a disclosure must report the incident to the Campus Police Department.

Student workers must report such incidences to their supervisor who will report the incident to the Campus Police Department.

The anonymity of the person who disclosed is of highest priority. The staff or faculty member making the report to the Campus Police Department must not reveal the disclosing person’s name.

### **Federal Timely Warning Requirement**

<sup>3</sup> Under the Clery Act, a federal law, faculty have limited confidentiality regarding the disclosure of any reportable crimes as defined in the Clery Act. Faculty who have responsibility for student and campus activity beyond the classroom are considered to be Campus Security Authorities and are obligated to disclose any allegations of reportable crimes as defined in the Clery Act to the Clery Compliance Coordinator (Ro Latoracca, 609-652-4390), while allowing the victim to remain anonymous at the victim’s request. For more information, please use the search queue on the Stockton Homepage keyword “Clery”.

Complainants of sexual violence should be aware that Stockton administrators must issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to members of the campus community. Stockton will ensure that the Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions for themselves.

## **Part VIII**

### **Harassment by Third Parties**

Third parties who interact with any Stockton student or employee at any Stockton facility, must adhere to Stockton policies and procedure.

Third-party harassment is unwelcome behavior involving any of the protected categories listed in Stockton's Policy Prohibiting Discrimination in the Workplace ( VI-28 ) and Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment (I-120) that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job or that is not directed at an individual by others at the University, including faculty, staff, students, vendors, and contractors, but is a part of that individual's academic environment. For example, sexually harassing conduct by third parties, who are not themselves Stockton employees or students (e.g. visiting speaker, alumnus/ae, summer camp guests, vendors, and auxiliary), also may be of a sufficiently serious nature to deny or limit a student's ability to participate in or benefit from the education program, or unreasonably interfere with an employee's ability to work.

If Stockton knows or should have known of the harassment, Stockton will take prompt and effective action to eliminate the hostile environment and prevent its recurrence. The type of appropriate steps taken will differ depending on the level of control Stockton has over a third party harasser.

Complaints about third parties should be reported to the Chief Officer/[Title IX Coordinator](#), K-204 A, 101 Vera King Farris Drive, Galloway NJ 08205-9441 | Email: [Valerie.Hayes@stockton.edu](mailto:Valerie.Hayes@stockton.edu) | Phone: 609-652-4693 | Fax: 609-626-3535.

## **Part IX**

### **EDUCATION AND PREVENTION PROGRAMS**

Comprehensive prevention programs include a range of prevention strategies including, but not limited to, empowerment, programming for sex discrimination and sexual misconduct prevention, awareness raising campaigns, primary prevention, bystander prevention, and risk reduction. Outreach programs are provided to employees and students to make them aware of the institution's policies on sexual misconduct, including sexual and gender-harassment, sexual violence, domestic violence, dating violence, and stalking. Outreach programs also include information on the process for contacting and informing students, campus organizations, athletic programs, and student groups about Stockton's overall sexual assault policy, the practical implications of an affirmative consent standard, and the rights and responsibilities of students under the policy.

Stockton provides all new employees and new students with information on the policies and procedures referenced in this Resource Guide within a reasonable period of time after each new employee's

appointment date or a student's arrival to campus for his or her first semester. Refresher training is provided to all employees, including supervisors, and students on a regular basis through online education. Stockton also provides supervisors with training on a regular basis regarding their obligations and duties under the referenced policies and procedures. Stockton also provides students with information regarding Title IX, as well as the prevention of prohibited discrimination/harassment, and the procedures followed in filing complaints.

Additionally, Stockton offers a Certified Peer Education Program, a comprehensive training program designed to empower students to listen to, educate, confront and help their peers. Once trained, these students help peers make healthier lifestyle choices. Peer educators can choose to specialize in one or more important areas that include, but are not limited to, Sexual Health and Sexual Assault Facts and Education.

### **Green Dot Bystander Intervention**

The Green Dot Prevention Strategy attempts to reduce and prevent power-based personal violence on campus through sustained behavioral change. Students, faculty and staff engage in quality programming throughout the year that focuses on bystander intervention strategies to combat domestic and dating violence, sexual assault and stalking. The Green Dot Prevention Strategy teaches students the necessary skills to become proactive bystanders when confronted with violence behavior. Participants learn to manage potentially volatile situations by using the 3 D's: Direct, Delegate and Distract. Strategic marketing utilizes the Green Dot principles to empower students to want to make their campus safer.

## Appendix A

### Examples of Sexually Harassing Behavior

Examples of sexually harassing behavior or conduct are listed below, but are not limited to the examples provided below, when the act or conduct is unwelcome or unwanted creating an intimidating or hostile work or educational environment that unreasonably interferes with work or educational performance, or negatively affects an individual's employment or education opportunities, including but not limited to acts through cybermeans.

These examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;
- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager, advisor, or faculty member in return for a favorable academic and/or employment action such as grading, hiring, compensation, promotion, or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse academic and/or employment consequence with respect to any academic and/or employment practice such as grade or performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

## Appendix B

### Glossary of Terms

**Accused** is a student or employee who is alleged to have violated the Campus Code of Conduct, the Sexual Assault Policy within the Student Handbook, and/or Policy Student Policy Prohibiting Discrimination in the Academic/Educational Environment (I-120). The Accused is considered a party to a complaint. The Accused is also known as the Respondent.

**Affirmative Consent** means affirmative, conscious, and voluntary agreement to engage in sexual activity that is ongoing throughout a sexual activity and can be revoked at any time.

**Complaint** is a detailed written statement of allegations of unlawful or prohibited discrimination in violation of Stockton's policies prohibiting discrimination. A complaint is signed, or otherwise authorized, and dated by the Complainant. Complaints sent by electronic communication are permitted. Note that verbal and anonymous complaints also are accepted.

**Complainant** is a student, employee, campus visitor, guest, or applicant for employment or admission who alleges the Respondent acted in unlawful discriminatory manner in violation of Stockton's policy prohibiting discrimination. The Complainant is considered a party to a complaint.

**Confidentiality** is the withholding the Complainant's identity while balancing the university's need to maintain a safe and nondiscriminatory environment for all students and employees. A privilege held by specific individuals which does not require them to report your personal information or the details of an incident outside of the statistic for Clery reporting requirements unless there is a threat of harm to self or others. Those members of the Stockton University community with confidentiality privileges are the Women's, Gender, and Sexuality Center staff, the Counseling Services staff, Health Services licensed medical staff (physicians and nurses), and Osprey Advocates.

**Campus security authority** is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution: (1) A campus police department or a campus security department of an institution, (2) Any individual(s) who have responsibility for campus security but who do not constitute a campus police department or a campus security department, (3) Any individuals or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, and (4) An official of an institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

**Privacy** is withholding information about an incident except information shared with a limited group of individuals on a limited need to know basis. Your right when sharing sensitive information with University personnel. Information is only shared with others who have a need to know in order to provide support, services, and/or accommodations. All employees including student employees, faculty, and staff are considered Responsible Employees.

**Report** is a written account or verbal statement about an incident. The written account or verbal statement should at a minimum, if known, describe who was involved, what happened, when the incident happened, where the incident occurred, and how the incident happened.

**Respondent** is a student or employee who is alleged to have violated the Campus Code of Conduct and Policy Student Policy Prohibiting Discrimination in the Academic/Educational Environment (I-120). The Respondent is considered a party to a complaint. Respondent is also known as the Accused.

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

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

**Sexual harassment** is a form of sex discrimination. Sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

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

**Sexual misconduct** is a term used in this Resource Guide to capture sexual and gender-based harassment, as well as sexual violence. The term does not include sex discrimination which is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual's sex.

**Sexual violence** is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the Complainant's incapacitation through the use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including dating violence, stalking, domestic violence, rape, sexual assault, sexual battery, and sexual coercion.

- Dating violence** means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. This act of sexual violence is similarly defined under the Violence against Women Act of 1994.
- Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse, by a person similarly situated to a spouse of the Complainant under the



domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. This act of sexual violence is similarly defined under the Violence against Women Act of 1994.

- C. **Rape and Sex Offenses** means sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the Complainant is incapable of giving consent.
- D. **Sexual assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- E. **Sexual battery** means the unauthorized, non-consensual touching or penetration of an unwilling person.
- F. **Sexual coercion** means an act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will; persistent attempts to have sexual contact with someone who has already refused.
- G. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. This act of violence is similarly defined under the Violence against Women Act of 1994.

**Title IX report** is information based on direct or indirect notice of an incident pertaining to sex discrimination and sexual misconduct.