STOCKTON UNIVERSITY

PROCEDURE

Interim Procedure Prohibiting Sex-Based Discrimination and Sexual Misconduct

Procedure Administrator: Title IX Coordinator
Authority: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 CFR Part 106; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f); Violence Against Women Reauthorization Act ("VAWA"); New Jersey State Policy Prohibiting Discrimination in the Workplace
Effective Date: August 1, 2024
Index Cross-References: Policy I-55 Campus Conduct Code; Policy I-57 Campus Hearing Board; Procedure 1032 Campus Hearing Board-Students; Policy I-120 Student Policy Prohibiting Discrimination and Harassment in the Academic/Education Environment; VI-28 Policy Prohibiting Discrimination in the Workplace; Procedure 6940 Sexual Misconduct Procedure; Procedure 6360 Procedures for Internal Complaints Alleging Discrimination in the Workplace
Procedure File Number: 6941
Approved By: Dr. Joe Bertolino, President

I. PURPOSE:

Stockton University ("University") is an academic community committed to providing a working and learning environment free from sex-based discrimination, including sex-based harassment, and retaliation for engaging in protected activity. Stockton University values and upholds the dignity of all members of its community and strives to balance the rights of the Parties in the resolution process.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Stockton University has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment or allegations of retaliation.

The University will not tolerate sex-based harassment, sexual misconduct, or other forms of sex-based discrimination or related retaliation. Therefore, the University requires compliance with this Procedure's reporting requirements and strongly encourages and supports the prompt reporting of sexual misconduct and sex-based discrimination to permit the investigation and resolution of allegations in a timely, discreet, fair, and impartial manner. Reporting ensures that the University can properly respond and assist individuals with accessing campus and/or external resources that are trained to assist, support, and address the safety of the individual and the University community. The University provides Supportive Measures to parties, which are adjustments needed to support them in maintaining their learning and working environments.

This Procedure and the corresponding processes comply with the 2024 Title IX Final Rule, 89 Fed. Reg. 33474 (Apr. 29, 2024) ("2024 Amendments"). Title IX preempts State or local laws that conflict with the regulations.

II. NOTICE OF NONDISCRIMINATION:

Stockton University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. The notice of nondiscrimination is located on the University website.

Inquiries about Title IX may be referred to Stockton University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. For sex discrimination and sex-based harassment allegations, Stockton University's Title IX Coordinator is:

Tammy Saunders, Director of Title IX and EEO

Office Location: L-214, 101 Vera King Farris Drive, Galloway, NJ 08205-9441

Email address: tammy.saunders@stockton.edu or titleix@stockton.edu.

Telephone number: (609) 652-4693

Stockton University nondiscrimination policy and grievance procedures are located on the University Policies & Procedures website at: https://stockton.edu/policy-procedure/

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the online reporting form available for Students, which is available online at: https://tinyurl.com/StudentTitleIXReport

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the online reporting form available for Employees, Affiliates, Guests, Vendors, Volunteers, which is available online at: https://tinyurl.com/TitleIXIncidentReport

The University is responsible for providing comprehensive nondiscrimination education and training; coordinating a timely, thorough, and fair response, including the investigation and resolution of all alleged prohibited conduct under this Procedure; and monitoring the effectiveness of this Procedure and related procedures to ensure an education and employment environment free from sex-based discrimination, harassment, and retaliation.

Stockton University recognizes that allegations under this Procedure may include multiple forms of sex-based discrimination and sex-based harassment, as well as violations of other University policies and procedures; may involve various combinations of students, employees, and other members of the University community; and may require the simultaneous attention of multiple University departments. Accordingly, all University departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and

consistent with other applicable University policies and procedures, to provide uniform, consistent, efficient, and effective responses to alleged sex-based discrimination, including sex-based harassment, or retaliation.

Additional information on reporting prohibited conduct that may implicate other University Policies/Procedures may be accessed online, using the following links:

Students: https://stockton.edu/dean-of-students/how-do-i-report.html

Employees: https://stockton.edu/human-resources/employee-campus-hearing-board.html

III. SCOPE OF PROCEDURE:

This Procedure is intended to address Prohibited Conduct that may constitute sex discrimination under Title IX. Title IX prohibits discrimination and harassment on the basis of sex, and related violations. Sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

This Procedure describes prohibited conduct, reporting obligations, information regarding campus support services for involved parties, and grievance processes. Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, sex-based hostile environment harassment, and the offenses of sexual assault, dating violence, domestic violence, and stalking, which are defined within the Violence Against Women Act Reauthorization Act of 2022 (VAWA) and this Procedure.

For the prompt and equitable resolution of Complaints of student-involved sex-based harassment or sexual misconduct and alleged commission of VAWA offenses by a student or employee, the University will utilize "Grievance Processes for Complaints of Student-Involved Sex-Based Harassment and Employee VAWA Offenses," located elsewhere in this Procedure. For the prompt and equitable resolution of all other allegations of sex-based discrimination, the University will utilize "Grievance Processes for Complaints of Sex Discrimination Other Than Student-Involved Sex-Based Harassment and VAWA Offenses," located elsewhere in this Procedure.

This Procedure applies to all students, faculty, staff, and other individuals who are participating in or attempting to participate in Stockton University's programs or activities, which include educational and employment programs and activities.

IV. JURISDICTION:

This Procedure applies to allegations of sex- discrimination within the University's education programs and activities, which includes:

- Conduct in or on buildings or property owned or operated by the University, including any building owned or controlled by a University-recognized student organization;
- Events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the conduct occurred, including those that occur within the academic environment and workplace;

- All conduct or circumstances subject to the University's disciplinary authority under this or any other University policy or procedure.

This Procedure may also apply to the effects of off-campus misconduct that limit or deny a person's access to University's education program or activities. In addition, the University may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial University interest. A substantial University interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the University's educational interests or mission.

For disciplinary action to be issued under this Procedure, the Respondent must be a University student, faculty member, or staff employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator or Deputy Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., campus ban). The University can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

Vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and/or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When a party is participating in a dual enrollment/early college program, the Recipient will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policies and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sex discrimination in an externship, study abroad program, or other environment external to the University where sex-based discrimination, sex-based harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

V. EFFECTIVE DATE:

This Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Procedure that occurred on or before July 31, 2024, will be processed through Stockton University Sexual Misconduct Procedure 6940 in place prior to August 1, 2024.

If any portion of the 2024 Title IX Final Rule is stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified the invalidated elements of this Procedure will be deemed revoked as of the publication date of the Court opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under Procedure 6940. The University will update this Procedure to reflect any court rulings or changes, as applicable.

VI. PROHIBITED CONDUCT:

The following conduct is prohibited under this Procedure:

A. **Sexual Misconduct**

Sexual misconduct is a form of sex-based discrimination and is therefore a violation of Title IX of the Education Amendments of 1972, Titles IV and VII of the Civil Rights Act of 1964, and the laws of the State of New Jersey. Sexual misconduct is also a violation of the University's Campus Conduct Code. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation, consistent with applicable local, state, and federal laws and regulations. Sexual misconduct includes, but is not limited to, sexual-based harassment; sexual assault to include rape, fondling, incest, statutory rape; dating or domestic violence; stalking; and gender-based harassment.

B. **Sex-based Harassment**

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) **Quid pro quo harassment** - An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University ’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;

(2) **Hostile environment harassment** - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the University ’s education program or activity (i.e., creates a hostile environment). Whether a hostile

environment has been created is a fact-specific inquiry that includes consideration of the following:

a. The degree to which the conduct affected the complainant's ability to access the University's education program or activity;

b. The type, frequency, and duration of the conduct;

c. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

d. The location of the conduct and the context in which the conduct occurred; and

e. Other sex-based harassment in the University 's education program or activity.

C. **Violence Against Women Act (VAWA) Offenses**

The Violence Against Women Act Reauthorization Act of 2022 (VAWA) prohibits acts of sexual assault, dating violence, domestic violence, and stalking, as follows:

(1) **Sexual Assault** is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. As defined in the Clery Act, Sexual Assault means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes, Rape, Fondling, Incest, and Statutory Rape, as defined below. Sexual assault is also any conduct proscribed by N.J.S.A. 2C:14-2 of the New Jersey Criminal Code, including any act of penetration performed or perpetrated on one person by another under circumstances indicating a lack of consent, either due to force, or an inability of one party to consent due to age, relationship, mental defect, or physical incapacitation.

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

b. **Fondling** - The touching of the private body parts of the Complainant for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.

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

d. **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent. The legal age of consent in New Jersey is 16 years of age.

(2) **Dating Violence** is violence committed by a person:

a. Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

i. The length of the relationship;

ii. The type of relationship; and

iii. The frequency of interaction between the persons involved in the relationship.

(3) **Domestic Violence** is a felony or indictable crime, or a misdemeanor or disorderly persons offense, which was allegedly committed by a person who:

a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of New Jersey or a person similarly situated to a spouse of the Complainant;

b. Is cohabiting, or has cohabited, with the Complainant as a spouse or intimate partner;

c. Shares a child in common with the Complainant; or

d. Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the State of New Jersey. Note: The Office of Residential Life initially will address conduct related to roommate conflicts, and conduct will be referred to the Dean of Students and the Title IX Coordinator, where appropriate.

(4) **Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. Fear for their safety or the safety of others; or

b. Suffer substantial emotional distress.

VII. OTHER PROHIBITED CONDUCT:

A. **Coercion/Intimidation –** A person may not coerce, attempt to coerce, or intimidate a person in order to engage in sexual activity with an unwilling participant. Coercion and intimidation occurs where a person does any of the following: persuades or attempts to persuade with the use of force or threats; causes or attempts to cause actual physical harm; threatens physical harm; spreads or threatens to spread malicious lies or rumors; disseminates or threatens to disseminate personal information, including images, texts, or electronic communications; vandalizes a person's property; or engages in other conduct to dominate or control another person, especially by exploiting fear or anxiety. The existence or nonexistence of coercion and intimidation will be evaluated based on the frequency, intensity, and duration of the pressure involved. Coercive conduct, if sufficiently severe, can render a person's consent ineffective because it is not voluntary.

B. **Online/Cyber Harassment –** includes, but is not limited to harassing communications sent or received on electronic devices and unwelcome conduct on social media platforms or applications, such as sex-based derogatory name-

calling; the nonconsensual distribution of intimate or offensive sex-based images or texts (including authentic images and images that have been altered or generated by artificial intelligence, (AI) technologies); sending sex-based pictures, cartoons; and/or other sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity.

C. **Invasion of privacy –** Invasion of privacy occurs where an actor observes or attempts to observe another person without that person's consent, under circumstances in which (i) a reasonable individual would not expect to be observed, and (ii) a reasonable actor would know that the person observed may engage in sexual conduct and/or expose intimate parts.

D. **Lewdness** – Lewdness occurs when a person engages in a flagrantly lewd and offensive act that the actor knows or reasonably expects will be observed by other nonconsenting persons who would be affronted or alarmed. Lewd conduct is behavior that is crude and offensive in a sexual way, which includes the touching of any person's genitals, buttocks, or breasts, and/or engaging in other sexual behavior that is highly inappropriate or obscene.

E. **Failure to Comply/Interference with Process** – Intentional failure to comply with the reasonable directives of University that are issued by individuals acting in the performance of their official duties under this Procedure, including an intentional failure to comply with the terms of a no contact order, emergency removal or terms of an interim suspension, sanctions, the terms of an agreement achieved through the informal resolution process, mandated reporting duties as defined in this Procedure, and/or intentional interference with the Title IX resolution process, are prohibited and may result in sanctions that range from a warning through expulsion or termination. Intentional interference with the Title IX resolution process includes, but is not limited to:

   (1) Destruction of or concealing of evidence

   (2) Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence

   (3) Intimidating or bribing a witness or party

F. **Peer Retaliation** – Retaliation by a Student against another Student.

G. **Retaliation** – intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University 's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

H. **Sexual Contact** – Sexual contact is the intentional touching of any person's intimate body parts, directly or through clothing, for the purpose of sexual gratification or to humiliate or degrade another.

I. **Sexual Exploitation**-Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

J. **Unauthorized Disclosure** – Distributing or otherwise publicizing materials created or produced during an investigation or Grievance Process except as required by law or as expressly permitted by the University is prohibited. In addition, this Procedure prohibits publicly disclosing a party's personally identifiable information without authorization or consent. Furthermore, engaging in unauthorized disclosure of materials or personal identifying information may constitute a violation of this Procedure, and may result in sanctions that range from a warning through expulsion or termination.

VIII. OTHER DEFINITIONS:

A. **Admission** means the University process for selection of applicants for part-time, full-time, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity within the University.

B. **Advisor** means a person chosen by a party or appointed by the University to accompany the party to meetings related to the grievance processes, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.

C. **Appeal Decisionmaker** means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.

D. **Consent** is a clear, informed, voluntary, and mutual agreement to engage in specific sexual activity, communicated through mutually understandable words or action.

(1) Consent cannot be given if an individual is forced, coerced, threatened, sleeping, beaten, forcefully restrained, unconscious.

(2) Consent cannot be given by someone who is unable to give consent due to age, relationship, mental defect, mental incapacitation or physical incapacitation.

(3) Consent cannot be given by someone who is incapacitated due to the voluntary or involuntary use of any drug, intoxicant or controlled substance.

(4) Consent must be ongoing and can be revoked at any time.

(5) A previous dating or sexual relationship, whether with the respondent or anyone else, cannot imply consent to future sexual acts.

(6) A lack of protest or silence does not constitute consent.

(7) The responsibility to ensure consent lies with the person initiating the sexual activity.

The University is committed to upholding these standards and plays a crucial role in determining whether consent was present in any reported incident. The

University will evaluate all allegations based on the totality of the circumstances, from the perspective of a reasonable person in similar situations. This evaluation will consider the context of the incident and any similar previous patterns of behavior. The burden of proof does not rest on either party involved; the University bears the burden of establishing a violation. The University is dedicated to ensuring a fair and thorough investigation process and respecting the rights and dignity of all individuals involved.

E. **Complainant** means a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

F. **Confidential Employee** is defined as follows:

(1) An employee of Stockton University whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

(2) An employee of Stockton University whom the institution has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. Duties outside the scope of providing these services are not covered.

(3) An employee of Stockton University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

(4) An employee of Stockton University who is authorized to hold privileged or administrative privileged conversations, will not share information about a client (including whether or not that individual has received services) with the Title IX Coordinator, or any other employee of the University without the individual's express written permission, and these confidential resources cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure. For example, information may be disclosed when: (i) the individual gives consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor.

G. **Disciplinary sanctions** mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the University's prohibition on sex discrimination.

H. **Incapacitation** is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented,

helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption. In addition:

(1) This Procedure also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances. Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

(2) If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Procedure. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

I. **Education Program or Activity** means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by Stockton University that receives Federal financial assistance.

J. **Mandated Reporters** are all employees, other than Confidential Employees. Mandated Reporters must promptly notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute a form of sex-based discrimination or retaliation covered by Title IX or this Procedure. Student employees who serve in a supervisory, advisory, or managerial role also are considered Responsible Employees for purposes of this Procedure (e.g., teaching assistants, residential assistants, student managers, orientation leaders, etc.).

K. **Party** means a complainant or respondent.

L. **Pregnancy or related conditions** means:

(1) Pregnancy, childbirth, termination of pregnancy, or lactation;

(2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

(3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

M. **Privilege** exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege.

N. **Reasonable Modifications** means Individualized modifications to the University's policies, practices, or procedures that do not fundamentally alter the University's education program or activity.

O. **Reasonable Person** is an objective standard meaning a person in the Complainant's shoes having similar characteristics/demographics to the Complainant.

P. **Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance processes. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex

discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Q. **Remedies** means measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the University's education program or activity after a University determines that sex discrimination occurred.

R. **Respondent** means a person who is alleged to have violated the University's prohibition on sex discrimination.

S. **Student-Involved Harassment** means a matter that involves a student Complainant or student Respondent.

T. **Support Person** means a person that provides emotional support and assistance to a complainant or respondent but does not assist with details or information related to the actual investigation process.

U. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

(1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or

(2) Provide support during the recipient's grievance processes or during an informal resolution process.

IX. FREE SPEECH:

Nothing in this Procedure is intended to infringe upon or limit a person's right to free speech. Any online posting or other electronic communication, including technology-facilitated bullying, stalking, or harassment, that occurs completely outside of the University's control (e.g., not on University's networks, websites, or between University's email accounts) will only be subject to this Procedure when such online conduct can be shown to cause or will likely cause a substantial in-program disruption, or if the conduct at issue infringes on or causes harm to the rights of others. Otherwise, such communications are generally considered speech protected by the First Amendment.

X. MANDATED REPORTING:

All faculty and staff, including student-employees, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details when the employee learns of conduct that may constitute sex-based discrimination, including, sexual misconduct, sex-based harassment, other Prohibited Conduct to the Title IX Coordinator or the Deputy Title IX Coordinator. Supportive measures may be offered as the result of such disclosures without formal University action.

Mandated Reporters must report all known details about the alleged prohibited conduct, including:

- Name(s) of the person allegedly subjected to the prohibited conduct;
- Name(s) of person alleged accused of the prohibited conduct;
- Name(s) of any alleged witnesses;
- Any other relevant facts, including the date, time, and specific location(s) of the alleged incident.

If the Mandated Reporter is unable to provide this information at the time of making an initial report, but later becomes aware of additional information, the Mandated Reporter must supplement the prior report.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator or Deputy Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy and/or Procedure violations, and these employees will immediately pass Notice to the Title IX Coordinator or designee and/or police, if desired by the Complainant The Mandate Reporter will act when an incident is reported to them.

Delayed reporting of alleged sex discrimination, sex-based harassment, sexual misconduct, or retaliation may hinder an investigation and delay the University's ability to respond and take appropriate action. When notified of conduct that reasonably may constitute sex discrimination under Title IX, the Title IX Coordinator's responsibility is to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

A. **Reports/Complaints of Sex Discrimination, Sex-Based Harassment, Sexual Misconduct & Retaliation**

A Report provides notice to the University of an allegation or concern about sex discrimination, sex-based harassment, sexual misconduct, or retaliation and provides an opportunity for the Title IX Coordinator or designee to provide information, resources, and supportive measures. A Complaint provides notice to the University that the Complainant would like to initiate an investigation or other appropriate grievance processes. A Complainant or individual may initially make a Report and may decide at a later time to make a Complaint. Reports or Complaints of sex-based harassment, sexual misconduct, or retaliation may be made using any of the following options:

(1) File a Complaint with, or give verbal Notice directly to, the Title IX Coordinator or to the Deputy Title IX Coordinator. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the Office of Equal Opportunity and Institutional Compliance, as follows:

Tammy Saunders, Title IX Coordinator/Director of Title IX and EEO

Stockton University

Office of Equal Opportunity and Institutional Compliance (OEOIC)

101 Vera King Farris Drive

Wing: L-214

Galloway, NJ 08205-9441

Email: tammy.saunders@stockton.eduor titleix@stockton.edu

Telephone: (609) 652-4693

Website: https://www.stockton.edu/diversity/index.html

Anne Crater, Deputy Title IX Coordinator/Investigator

Stockton University

Office of Equal Opportunity and Institutional Compliance (OEOIC)

101 Vera King Farris Drive

Wing: L-214

Galloway, NJ 08205-9441

Email: Anne.Crater@stockton.edu

Telephone: (609) 652-4366

Website: https://www.stockton.edu/diversity/index.html

(2) Students Incidents: Submit online Notice at the following link: https://tinyurl.com/StudentTitleIXReport

Maxient Case Management system is available 24 hours/7 days a week unless undergoing system maintenance.

(3) Employee Incidents: Submit online Notice at the following link:

https://tinyurl.com/TitleIXIncidentReport

Maxient Case Management system is available 24 hours/7 days a week unless undergoing system maintenance.

(4) Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice. **Mandated Reporters are required to disclose party identities if known.**

Reporting carries no obligation to initiate a Complaint, and in most situations, the University is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the University may need to initiate the grievance process. If a Complainant does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible.

Failure of a Mandated Reporter, as described above, to report an incident of sex discrimination, sex-based harassment, sexual misconduct, or retaliation, of which

they become aware is a violation of this Procedure and can be subject to disciplinary action for failure to comply/failure to report.

A Mandated Reporter who is themselves a target of sex discrimination, sex-based harassment, sexual misconduct, or retaliation or other misconduct under this Procedure is not required to report their own experience, though they are, of course, encouraged to do so.

The Title IX Coordinator must monitor the University's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

XI. CONFIDENTIAL EMPLOYEES:

There are three categories of Confidential Employees:

(1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors;

(2) Those whom the University has specifically designated as Confidential Resources for purposes of providing support and resources to the Complainant; and

(3) Those conducting human subjects research as part of a study approved by the University's Institutional Review Board (IRB).

For those in category 1, above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

XII. CONFIDENTIAL EMPLOYEE NOTIFICATION REQUIREMENTS:

To enable students to access support and resources without filing a Complaint, the University has designated specific employees as Confidential Resources. Those designated by the University as Confidential Resources are not required to report sex discrimination, sex-based harassment, sexual misconduct, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information, how to make a complaint of sex discrimination; and that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance processes.

XIII. CONFIDENTAIL EMPLOYEES/RESOURCES FOR STUDENTS:

To enable students to access support and resources without making a report to the Title IX Coordinator or designee, the University has designated specific employees as confidential employees who are not required to report to the Title IX Coordinator

or designee. If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Resources:

A. On-campus licensed professional counselors and staff, employees of Counseling and Psychological Services.

   Counseling and Psychological Services provides free, short-term confidential mental health counseling to Stockton students at the Galloway Campus, Atlantic City Campus, or via telehealth.

   Website: https://stockton.edu/wellness-center/counseling-center/index.html

   Email: counseling.services@stockton.edu

   Telephone: (609) 652-4722

   Galloway Campus: J-204

   Atlantic City Campus: Student Affairs, Suite room A1-127b, Kesselman Hall

B. On-campus health service providers and staff, licensed physicians and nurses in Student Health Services.

   Student Health Services is an acute care clinic open to currently enrolled students with no fees or insurance required for the services rendered.

   Website: https://stockton.edu/wellness-center/health-services/index.html

   Email: wellctr@stockton.edu

   Telephone: (609) 652-4701

   Galloway: West Quad 108

   Atlantic City Campus: With a Stockton ID students can be seen for medical services

C. On-campus members of the clergy/chaplains working within the scope of their licensure or ordination.

   Contact the **Office of Student Development** at (609) 652-4205 or via email at GetInvolved@Stockton.edu for more information.

D. Staff within the **Women's, Gender and Sexuality Center (WGSC)** and **Osprey Advocates** are certified victim advocates.

   The WGSC empowers students who identify as women and all genders who identify as LGBTQIA+, victims of power-based personal violence, and community allies. WGSC will accomplish this by promoting equality and justice, ensuring access to opportunities, and providing services through education and advocacy.

   Website: https://stockton.edu/wgsc/

   Email: wgsc@stockton.edu

   Telephone: (609) 626-3611

   24/7 Hotline: 1-800-286-4184

   Galloway: F-103

The confidential staff referenced above will only disclose to the University that an incident of sexual misconduct has occurred, but without any personally identifying information, except if there is immediate and serious concern about safety of the

person reporting or that of others, and/or they are given permission to make an identifiable report. Employees who have confidentiality who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act statistical reporting purposes unless they believe it would be harmful to their client, patient, or parishioner.

Student Respondents may access the referenced Confidential Resources on campus, including a trained Advisor.

WGSC services are for Complainants only. According to WGSC, it is crucial to ensure that victim advocacy services remain dedicated to supporting the needs and rights of survivors of sexual assault, dating violence, stalking and/or bullying. Allowing perpetrators access to these services could undermine their purpose, which is to provide confidential support, counseling, and guidance to individuals who have experienced trauma. The primary role of victim advocacy is to empower and assist survivors through their healing process and the Title IX system, and permitting perpetrators to use these services could create a conflict of interest and potentially hinder the integrity of the support system designed to protect and assist survivors.

XIV. CONFIDENTIAL RESOURCES FOR EMPLOYEES:

To enable employees to access support and resources without making a report to the Title IX Coordinator or designee, the University has designated specific employees as confidential employees who are not required to report to the Title IX Coordinator or Deputy Title IX Coordinator. If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Resources:

A. **Employee Assistance Plan (EAP):**

EAP offers confidential consultation, assessment and referral, and short-term counseling to help staff, faculty and their household members with personal or work-related concerns including sexual harassment. EAP also provides unlimited consultation to managers and HR practitioners. Trained domestic violence counselors are available 24 hours a day, seven days a week by telephone. Contact EAP: Toll-Free: (866) 327-2400, 24 hours a day, or review available services on the Deer Oaks EAP Services website as follows: https://www.deeroakseap.com/ and the Deer Oaks Fact Sheet is located here: https://www.stockton.edu/human-resources/documents/Deer_Oaks_Fact_Sheet.pdf.

B. **Ombuds Office**

The ombuds officer (a.k.a. ombudsman, ombudsperson) is a safe, neutral, confidential, and informal resource available to all employees of the Stockton community.

Website: https://stockton.edu/ombuds/

Email: ombuds@stockton.edu

Telephone: (609) 652-4591

Galloway Campus: I-208

In addition, Complainants may speak with individuals unaffiliated with the University without concern that the Procedure will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Employees Respondents who have been accused of Prohibited Conduct, may access the EAP and Ombuds Officer for confidential assistance.

XV. COORDINATION WITH LAW ENFORCEMENT:

Where the University is made aware that there is a concurrent criminal investigation, the investigator will inform any law enforcement agency that is conducting its own investigation that a University investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

At the request of law enforcement, the University may agree to temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The investigator will communicate with the parties, consistent with the law enforcement request and the University's obligations, about resources and support, procedural options, anticipated timing, and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for criminal investigations are different than the standards for a violation of University policies and procedures. Therefore, the University will not base its decisions solely on law enforcement reports and/or actions. Similarly, if the University determines a violation has occurred, the University will take appropriate action in accordance with applicable policies and procedures, regardless of external proceedings that may also be pending.

XVI. AMNESTY:

The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to give Notice of misconduct to University officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, University offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

Sometimes, employees are hesitant to report sex discrimination, sex-based harassment, sexual misconduct, or retaliation they have experienced for fear of getting in trouble themselves. The University may, at its discretion, offer employee Complainants amnesty from such policy violations related to the incident.

XVII. TIME FRAME FOR REPORTING:

There is no time limit on reporting sex-discrimination, sex-based harassment, sexual misconduct, or retaliation to the University although the University's ability to respond fully may be limited with the passage of time.

XVIII. CONFIDENTIALITY/PRIVACY:

The University makes every effort to preserve the Parties' privacy. The University will not share the identity of any individual who has made a Complaint of sex discrimination, sex-based harassment, sexual misconduct or retaliation; any Complainant; any individual who has been reported to be the respondent; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures. Additional information regarding confidentiality and privacy can be found in Definitions.

XIX. PUBLIC AWARENESS EVENTS:

When Stockton University's Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this Procedure that was provided by a person during a public event to raise awareness about sex-based harassment that was held on the University's campus or through an University sponsored online platform, the University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

However, in all cases the University must use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

Nothing in Title IX or this Procedure obliges the University to require its Title IX Coordinator or any other employee to attend such public awareness events.

XX. REPORTING UNDER THE CLERY ACT:

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f), an employee who has been identified as Campus Security Authority (CSA) may receive a report of sexual assault, domestic violence, dating violence or stalking, and report to the Clery Compliance Coordinator only that an incident occurred, without revealing any personally identifying information if the victim wishes to remain anonymous. Speaking to a CSA about an incident will not trigger a police investigation against the Complainant's wishes and the Complainant will not be identified in any publicly required disclosures. The incident report will be used for statistical reporting purposes and to determine if a timely warning should be sent out to the community. Reports of sex offenses and domestic or dating violence must also be reported by the CSA to the Title IX Coordinator under Title IX, but the Clery Officer's report to the Title IX Coordinator will not include names of involved parties, if that information was not shared with the Clery Officer.

On an annual basis, the Clery Compliance Coordinator will, with assistance from the Office of Human Resources and Student Affairs, identify and notify individuals of their status as a CSA. For more information about the Clery Act, see University Procedure 6930 - Clery Act Compliance.

XXI. SUPPORTIVE MEASURES:

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged sex discrimination, sex-based harassment, sexual misconduct and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter sex discrimination, sex-based harassment, sexual misconduct and/or retaliation.

The Title IX Coordinator or designee promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, the Title IX Coordinator or designee will inform the Complainant, in writing, that they may file a Complaint with the Title IX Coordinator or designee either at that time or in the future. The Title IX Coordinator or designee will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The Title IX Coordinator or designee will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the Title IX Coordinator or designee's ability to provide those supportive measures. The Title IX Coordinator will act to ensure as minimal an academic/occupational impact on the Parties as possible. The Title IX Coordinator will implement measures in a way that does not unreasonably burden any party. The University may modify or terminate supportive measures at the conclusion of the grievance process or at the conclusion of the

informal resolution process or may continue them beyond that point within University's discretion.

The University will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the University's Education Program or Activity, or there is an exception that applies, such as:

A. The University has obtained prior written consent from a person with the legal right to consent to the disclosure;
B. When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
C. To address conduct that reasonably may constitute sex-based harassment under Title IX in the University's Education Program or Activity;
D. As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
E. To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA).

As appropriate, Supportive Measures may include without limitation:

A. Referral to counseling, medical, and/or other healthcare services
B. Referral to the Employee Assistance Program
C. Referral to community-based service providers
D. Visa and immigration assistance
E. Student financial aid counseling
F. Education to the institutional community or community subgroup(s)
G. Altering campus housing assignment(s)
H. Altering work arrangements for employees or student-employees
I. Safety planning
J. Providing campus safety escorts
K. Providing transportation assistance
L. Implementing contact restrictions (no contact orders) between the Parties
M. Academic support, extensions of deadlines, or other course/program-related adjustments
N. Trespass or Be-On-the-Lookout (BOLO) orders
O. Timely warnings
P. Class schedule modifications, withdrawals, or leaves of absence
Q. Increased security and monitoring of certain areas of the campus
R. Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Procedure.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures; however, various University offices share responsibilities to provide supportive measures parties. For example:

A. The Women's, Gender, and Sexuality Center (WGSC) ensures confidentiality and provides advocacy and outreach to students related to issues addressing sex-based harassment, sexual misconduct, sexual assault, dating and domestic violence, stalking, and unwelcome conduct based on a person's gender and/or sexual identity. The staff of the WGSC provides confidentiality, counseling, and referrals, where appropriate.

B. The Stockton University Police Department can assist in the criminal investigative process, obtain and serve restraining order(s), and provide transport to an off-campus medical facility.

C. The Dean of Students Office in consultation with the Title IX Coordinator may utilize members of the Behavior Intervention Team to conduct an individualized safety and risk analysis to determine if an emergency removal is needed. The Dean of Students staff also refers students to appropriate resources to support their access and well-being.

D. The Office of Student Conduct offers case management services to student Complainants and Respondents. The staff works with students to identify and implement appropriate supportive measures. The staff is also available to review the grievance process with student parties. The Office of Student Conduct also offers mediation as an informal resolution option.

E. Health Services provides students, among other services, confidential medical assistance including arranging transportation to an off- campus facility.

F. The Title IX Coordinator among other actions, supervises the investigations of administrative Title IX complaints. As necessary, the Title IX Coordinator may conduct the administrative Title IX investigation.

G. The Office of Residential Life assists in identifying temporary housing or residence hall relocation if requested or needed.

H. The Office of Human Resources may assist employees with the temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management, and may issue "no contact" directives pending the outcome of an investigation.

XXII. PROCESS FOR REVIEW OF SUPPORTIVE MEASURES:

The University provides for a Complainant or Respondent to seek modification or reversal of the University's decision to provide, deny, modify or terminate a supportive measure.

This review will be done by an impartial employee of the University, who did not make the challenged decision on the original supportive measure request. The impartial employee who makes this determination will have the authority to modify or reverse

the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedure outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. The University will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

The Parties are provided with a timely opportunity to seek modification or reversal of the Recipient's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator.

The Vice President for Student Affairs or a designee will conduct reviews of supportive measures issued for students.

A Divisional Executive or designee appointed by the President will conduct reviews of supportive measures issued for employees.

The University typically renders decisions on supportive measures within seven (7) to ten (10) calendar days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

XXIII. DISABILITY ACCOMMODATIONS:

This Procedure does not alter any institutional obligations under applicable federal, state, disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Procedure. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

A. **Requests for Reasonable Accommodations During the Title IX Grievance Process**

If the Complainant or Respondent discloses a disability, the Title IX Coordinator or designee may consult, as appropriate, with Disability Services, Learning Assistance Program to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Process.

The Title IX Coordinator or designee may contact the appropriate Manager in the Office of Human Resources if an employee discloses a disability to determine how to comply with applicable law including, without limitation, Americans with Disabilities Act of 1990, as amended (42 U.S.C. 126 §12102 et seq.), the New Jersey Law Against Discrimination (N.J.A.C. 4A:7-3.1 & 3.2), and Stockton

University's Policy Prohibiting Discrimination in the Workplace because of disability.

XXIV. INFORMATION SHARING REQUIREMENTS:

Any University employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to the University's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the University's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged sex-based discrimination, sex-based harassment, or retaliation, as applicable.

A. Reasonable Modifications for Students

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the University's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

(1) Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom

(2) Intermittent absences to attend medical appointments

(3) Access to online or homebound education

(4) Changes in schedule or course sequence

(5) Time extensions for coursework and rescheduling of tests and examinations

(6) Allowing a student to sit or stand, or carry or keep water nearby

(7) Counseling

(8) Changes in physical space or supplies (for example, access to a larger desk or a footrest)

(9) Elevator access

(10) A larger uniform or other required clothing or equipment

(11) Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the University will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the University's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with Disability Services to ensure the student receives reasonable accommodation for their disability as required by law.

B. **Certification to Participate**

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

(1) The certified level of physical ability or health is necessary for participation;

(2) The University requires such certification of all students participating; and

(3) The information obtained is not used as a basis for pregnancy-related discrimination.

C. **Lactation Space Access**

The University provides lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others. The link to an online map is located here: https://stockton.edu/wgsc/lactation.html.

D. **Leaves of Absence**

(1) **Students**

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. While registered under that status, students who choose to take a leave of absence under this procedure can elect to keep their health insurance coverage and continue residing in University housing, subject to the payment of applicable fees.

To the extent possible, the University will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarships, fellowships, or similar University-sponsored funding during the leave term will depend on student registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar University-supported funding by exercising their rights under this Procedure.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable.

(2) **Employees**

Information on employment leave is in Procedure 6153. Employees, including student-employees, ineligible for leave under the procedure because they (1) do not have enough leave time available under that procedure, or (2) have not been employed long enough to qualify for leave under that procedure, may qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

XXV. EMERGENCY REMOVALS:

The University can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by members of the Behavior Intervention Team using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

A. **Emergency Removal of a Student**

When an emergency removal is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within two (2) business days of the notification. Upon receipt of a challenge, the Vice President for Student Affairs or designee will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. If this meeting is not requested within two (2) business days, objections to the emergency removal will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Vice President for Student Affairs or designee determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Vice President for Student Affairs or designee for review.

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Vice President for Student Affairs or designee will communicate the final decision in writing, typically within three (3) to five (5) business days of the review meeting.

B. **Administrative Leave**

The University retains the authority to place a non-Student employee Respondent on administrative leave during the Title IX Grievance Processes, consistent with relevant applicable laws, collective bargaining agreements, civil service statutes, policies and procedures.

Student employees. When a Complainant or Respondent is both a student and an employee of the University, the University will make a fact-specific inquiry to determine which Grievance Processes apply to that Student employee. The University will consider the Complainant or Respondent’s primary relationship with the University and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

XXVI. WITHDRAWAL OR SEPARATION FROM THE UNIVERSITY:

If a student withdraws from the University, or an employee separates from the University, at any time after a report implicating Procedure 6941 or 6940 has been made, the University may continue with the grievance process, even without the party's participation.

The determination as to how to resolve the report once a student or employee is no longer affiliated with the University will be based on the Title IX Coordinator's assessment of the actions necessary to meet the University's Title IX obligations, in consultation with other institutional officials, as appropriate.

XXVII. RECORDKEEPING AND RECORDS RETENTION:

For a period of at least seven (7) years following the conclusion of the Grievance Process, the University will maintain records of:

A. Each discrimination, harassment, and retaliation grievance process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.

B. Any disciplinary sanctions imposed on the Respondent.

C. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the University's education program or activity.

D. Any appeal and the result therefrom.

E. Any Informal Resolution and the result therefrom.

F. All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decisionmakers, Appeal Decisionmakers, Informal Resolution Facilitators, and any person who is responsible for implementing the University's Grievance Process, or who has the authority to modify or terminate supportive measures.

G. All materials used to train all employees consistent with the requirements in the Title IX Regulations.

H. The University will also maintain records in accordance with federal and state laws.

Drafts and Working Files. Drafts and "working files" are not considered records that must be maintained by the University. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their creator. An example is a draft of a preliminary investigative report submitted to the Title IX Coordinator for review prior to finalization. An example of a "working file" would be the investigator notes made during one interview with topics the investigator wants to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category.

Attorney Work-Product. Communications from the Title IX Office or its designees with the University's legal counsel may be work product protected by attorney-client confidentiality. These communications are not considered records to be maintained

by the Title IX Office unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as records.

XXVIII. CONFLICT OF INTEREST:

A conflict of interest may arise when a member of the University community uses or has the authority to use their position to improperly influence a University decision, action or outcome with regard to the implementation and enforcement of this Procedure, including associated investigative and disciplinary procedures. It is the responsibility of all members of the Stockton community involved in any aspect of a report of Prohibited Conduct to identify and disclose potential or actual conflicts as they arise to the Title IX Coordinator and/or Human Resources. In the event any individual with a responsibility identified in this Procedure is a witness or has a conflict of interest that would compromise that individual's objectivity in discharging that responsibility, the University will appoint a designee.

XXIX. NON-DISCRIMINATION IN APPLICATION:

A person may also file a complaint with the appropriate federal, state, or local agency within the time frame required by law. Depending upon the nature of the complaint, the appropriate agency may be the U.S. Department of Education Office for Civil Rights (OCR), the Department of Justice, the Equal Opportunity Commission, and/or another appropriate federal or state agency.

XXX. PREVENTION AND EDUCATIONAL PROGRAMS

In order to reduce incidents of sex-based discrimination and sexual misconduct, the University will provide students and employees with information regarding the prevention of prohibited discrimination/harassment, including sexual misconduct, and the procedure to be followed in filing complaints. In addition, the University will provide ongoing awareness and prevention programming and training for the campus community.

XXXI. TRAINING

All employees shall be trained on:

A. The University’s obligation to address sex discrimination in its education program or activity;

B. The scope of conduct that constitutes sex discrimination under Title IX and this part, including the definition of sex-based harassment and,

C. All applicable notification and information requirements (student pregnancy & sex discrimination)

Title IX Coordinator and Designees shall be trained on, among other things, their

specific responsibilities on the grievance process, how to serve impartially, meaning and application of term relevant, informal resolution process, duties and obligations, and record keeping systems.

Investigators, Decisionmakers, and Other Responsible Persons who are responsible for implementing the University's grievance processes or have the authority to modify or terminate supportive measures under shall be trained.

All investigators, Decisionmakers, and other persons who are responsible for implementing University's Title IX policies and procedures shall receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter.

Facilitators of an Informal Resolution Process shall be trained on the rules and practices associated with the University's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

XXXII. TITLE IX TRAINING MATERIALS

The University maintains copies of the slides or other materials from all Title IX training for the grievance processes members, the Office of Equal Opportunity, and employees. Trainings occurring prior to August 1, 2024, are posted online on the Title IX website and trainings occurring after August 1, 2024, are available for review upon request to the Title IX Coordinator or designee.

XXXIII. AMENDMENT

Amendments to this Procedure to ensure legal compliance may be made by the Title IX Coordinator and Office of General Counsel and shall become effective upon publication on the University Policies and Procedures website.

GRIEVANCE PROCESSES FOR COMPLAINTS OF SEX DISCRIMINATION OTHER THAN STUDENT INVOVLED SEX-BASED HARASSMENT AND VAWA OFFENSES

Applicability: This section applies to sex discrimination complaints that are not student-involved sex-based harassment. This process also applies to the resolution of allegations of employee sex discrimination, other than VAWA-Prohibited offenses as defined within VAWA and this Procedure.

I. EFFECTIVE DATE:

This Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Procedure that occurred on or before July 31, 2024, will be processed through Procedure 6940.

II. SCOPE:

Stockton University has adopted grievance processes that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Sex discrimination, as defined by Title IX, includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, hostile environment harassment, including the VAWA offenses sexual assault, dating violence, domestic violence, and stalking. For the prompt and equitable resolution of Complaints of sex-based harassment involving a student Party, the University will utilize Grievance Processes for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions & Employee VAWA Offenses. For Sex-Based Harassment involving Employee Complainants or Employee Respondents; specifically, VAWA Offenses comprised of sexual assault, stalking, dating violence, and domestic violence, the University will utilize the grievance processes as outlined in § 106.46 of the 2024 Amendments.

III. JURISDICTION:

This Procedure applies to all sex discrimination occurring under the University's Education Program or Activity in the United States. Conduct that occurs under the University's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University and conduct that is subject to the University's disciplinary authority.

The University has an obligation to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing

to the hostile environment occurred outside the recipient's Education Program or Activity or outside the United States.

In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, the University must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by law.

IV. REPORTING SEX DISCRIMINATION TO THE UNIVERSITY:

A. Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the University investigate and make a determination about alleged discrimination under Title IX:

A "complainant," which includes:

(1) a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX;

(2) a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University's education program or activity;

(3) a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or

(4) The University's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of the 2024 Amendments.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

(1) Any student or employee of the University; or

(2) Any person other than a student or employee who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

Types of Complaints that may be addressed under these Grievance Processes include, but are not limited to, sex discrimination other than sex-based harassment for student parties and VAWA offenses for employees such as:

(1) Complaints of retaliation;

(2) Complaints of sex discrimination that do not involve sex-based harassment and VAWA offenses for employees;

(3) Complaints regarding failure to make reasonable modifications to policies, practices or procedures as necessary to ensure equal access and prevent

sex discrimination on the basis of parental, family or marital status, including pregnancy or related conditions; or

(4) Complaints that University's policies or procedures discriminate on the basis of sex.

B. **Consolidation of Complaints**

The University may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

The University is not permitted to consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the University obtains prior written consent from the parents or eligible students to the disclosure of their education records.

V. BASIC REQUIREMENTS OF TITLE IX GRIEVANCE PROCESSES:

A. Equitable Treatment: The University will treat complainants and respondents equitably.

B. Conflict and Bias: The University requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

C. Presumption: The University presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance processes.

D. Reasonably Prompt Timeframes: The University has established the following time frames for the major stages of the grievance processes:

(1) Outreach: When notified, the Title IX Coordinator or designee sends electronic outreach to complainants and invites the party for an intake meeting to discuss available supportive measures, reporting options, resources, and options in-line with the Procedure. The approximate time frame is (30) calendar days.

(2) Evaluation: The Title IX Coordinator or designee conducts an evaluation, typically within (10) calendar days of receiving Notice/Complaint/Knowledge of alleged misconduct.

(3) Investigation: Investigations are completed within sixty (60) calendar days to ninety (90) calendar days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

(4) Determination: The Decisionmaker's determination process typically takes approximately twenty (20) calendar days, but this timeframe can vary

depending on a number of factors and variables. The Parties will be notified of any delays.

(5) Appeal: Student Parties may submit an appeal within (7) business days after the written determination is issued to submit an appeal. Employees may submit an appeal in accordance with their classification as articulated in the Appeals Section.

E. Extension: The University has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. The Parties will receive regular updates on the progress of the grievance process, as well as notification and rationale for any extensions or delay and an estimate of how much additional time will be needed to complete the process. The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The University will promptly resume its Grievance Processes as soon as feasible. During such a delay, the University will implement and maintain supportive measures for the Parties as deemed appropriate. The University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. The University will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

F. Privacy: The University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance processes. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance processes. The parties cannot engage in retaliation, including against witnesses.

G. Impermissible Evidence: The University will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

(1) Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

(2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent

for use in its grievance processes; and

(3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

VI. THE TITLE IX GRIEVANCE PROCESS FOR SEX DISCRIMINATION:

A. Filing a Complaint

(1) Who can make a Complaint?

a. A Complainant, which includes: a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University's Education Program or Activity;

b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or

c. The Title IX Coordinator.

B. Title IX Coordinator initiated Complaints

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of sex-based harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

(1) The Complainant's request not to proceed with the initiation of a Complaint;

(2) The Complainant's reasonable safety concerns regarding initiation of a Complaint;

(3) The risk that additional acts of sex-based harassment would occur if a Complaint were not initiated;

(4) The severity of the alleged sex-based harassment, including whether the sex-based harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based harassment and prevent its recurrence;

(5) The age and relationship of the Parties, including whether the Respondent is an employee of the University;

(6) The scope of the alleged sex-based harassment, including information suggesting a pattern, ongoing sex-based harassment, or sex-based harassment alleged to have impacted multiple individuals;

(7) The availability of evidence to assist a decisionmaker in determining whether sex-based harassment occurred; and

(8) Whether the University could end the alleged sex-based harassment and prevent its recurrence without initiating these grievance processes.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as listed in the Procedure.

C. Format of Complaint

A Complaint can be an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged sex discrimination at the institution.

D. Allegations Potentially Falling Under Two Policies

If the alleged conduct includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

E. Evaluation

The Title IX Coordinator or designee conducts an initial evaluation, typically within seven (7) to ten (10) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

(1) Assessing whether the reported conduct may reasonably constitute a violation of the Procedure.

a. If the conduct may not reasonably constitute a violation of the Procedure, the matter is typically dismissed from this process, consistent with the dismissal provision herein. It may then be referred to another process, if applicable.

(2) Determining whether the University has jurisdiction over the reported conduct, as defined in the Procedure.

a. If the conduct is not within the University's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate University office for resolution.

(3) Offering and coordinating supportive measures for the Complainant.

(4) Offering and coordinating supportive measures for the Respondent, as applicable.

(5) Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Process described below.

(6) Determining whether the Complainant wishes to initiate a Complaint.

(7) Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Process described if a Complaint is made.

F. Assisting a Complainant Understand Resolution Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

(1) a supportive and remedial response, and/or

(2) Informal Resolution, or

(3) the Grievance Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Grievance Process, and the Title IX Coordinator has determined the Procedure applies and that the University has jurisdiction, they will route the matter to the appropriate trained member, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

VII. NOTICE OF INVESTIGATION AND ALLEGATIONS:

Upon initiation of the University's Title IX grievance processes, the University will notify the parties of the following:

- the University's Title IX grievance processes and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s),

the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);

- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- If, in the course of an investigation, the University decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the University will notify the parties of the additional allegations.

VIII. DISMISSAL OF A COMPLAINT:

The University may dismiss a complaint of sex discrimination if:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's education program or activity and is not employed by the University;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.
- Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the University will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent is notified of the allegations, then the University will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The University will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent is notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or

- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.
- When a complaint is dismissed, the University will, at a minimum:
- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

IX. INVESTIGATION:

The University will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the University—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The University will provide an equal opportunity for the parties to present relevant fact witnesses and other inculpatory and exculpatory evidence that is not otherwise impermissible.

The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The University will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence.
- The University will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and

- The University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance processes. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

X. HEARING/ADMINISTRATIVE PROCESS:

A. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

When a party or witness's credibility is in dispute, and such dispute is relevant to evaluating one or more allegations of sex discrimination, the investigator and/or decisionmaker must have an opportunity to question any party or witness whose credibility is in dispute in a live format.

The investigator/decisionmaker will question Parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and Relevant to evaluating one or more allegations of sex discrimination. This will occur during individual meetings with a Party or witness.

Each Party shall have the opportunity to propose questions that the Party wants asked of any Party or witness and have those questions asked by the investigator/decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the appropriate procedures outlined herein regarding the decisionmaker's advance evaluation of all questions. Each Party will be provided with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

B. Questioning the Parties and Witnesses

The University will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

C. Investigative Report

Student Party: An investigative report and evidentiary materials will be submitted to the Office of Student Conduct for resolution consistent with Procedure 1032-Campus Hearing Board-Students. Complaints of Sex Discrimination are resolved only through an Administrative Hearing Panel, Special Administrative Hearing Panel or assigned to an Outside Adjudicator.

Employee Party: An investigative report and evidentiary materials will be submitted to the University President or designee who will issue a final letter of determination to the parties. For substantiated violations, the Office of Human Resources will determine the appropriate remedy.

XI. DETERMINATION WHETHER SEX DISCRIMINATION OCCURRED:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the University will:

A. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

B. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

C. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance processes that the respondent engaged in prohibited sex discrimination.

D. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

   (1) Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by sex discrimination;

   (2) Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions;

   (3) Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the University's education program or activity;

E. Comply with the grievance processes before the imposition of any disciplinary sanctions against a respondent; and

F. Not discipline a party, witness, or others participating in the grievance processes for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The University may address false statements by initiating a disciplinary process under its Campus Conduct Code (Policy I-55) as long as there is evidence independent of the determination whether sex discrimination occurred.

XII. APPEAL OF DETERMINATIONS (STUDENTS ONLY):

The University offers an appeal process from a determination whether sex discrimination occurred.

The Title IX Coordinator will designate an Appeal Decisionmaker – either a three-member panel or other trained internal or external individuals, to hear the appeal. No Appeal Decisionmaker(s) will have been previously involved in the Grievance Process for the Complaint, including in any supportive measure challenge or

dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator or designee.

A. **Appeal Grounds**

Appeals are limited to the following grounds:

(1) A procedural irregularity that would change the outcome.

(2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.

(3) The Title IX Coordinator, Investigator(s), or Decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.

B. **Request for Appeal**

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within seven (7) business days of the delivery of the written determination.

The Request for Appeal will be forwarded to the Appeal Decisionmaker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Procedure, the request will be denied by the Appeal Decisionmaker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Procedure, then the Appeal Decisionmaker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decisionmaker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decisionmaker will be provided a copy of the Request for Appeal with the approved grounds and then be given seven (7) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decisionmaker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decisionmaker to determine if it meets the grounds in this Procedure and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decisionmaker, as necessary, who will submit their responses, if any, within seven (7) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decisionmaker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent

responses will be shared with the Appeal Decisionmaker, who will promptly render a decision.

C. **Appeal Determination Process**

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decisionmaker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decisionmaker to substitute their judgment for that of the original Decisionmaker merely because they disagree with the finding and/or sanction(s).

The Appeal Decisionmaker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. **Appeal Outcome**

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decisionmaker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decisionmaker or the Title IX Coordinator (as in cases of bias), the Appeal Decisionmaker may order a new investigation and/or a new determination with new assignments serving in the Investigator and Decisionmaker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the University is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official University records, or emailed to the Parties’ University-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the three (3) available appeal grounds.

E. **Sanction Status During the Appeal**

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

XIII. APPEAL OF DETERMINATIONS (EMPLOYEES ONLY):

This appeal process will be, minimally, the same as what the University offers in other comparable proceedings, including proceedings relating to other discrimination complaints.

A. **Appeals for Complainants**

(1) [Non-AFT] As the complainant, options to appeal the determination are set forth in Paragraph 12 of University Procedure 6360, Procedures for Internal Complaints Alleging Discrimination in the Workplace.

(2) [AFT MEMBER] As the complainant, appeal rights are set forth in Paragraph 16 of Procedure 6360, Procedures for Internal Complaints Alleging Discrimination in the Workplace.

B. **Appeals for Respondent**

(1) [Non-AFT] As the respondent, appeal rights set forth in Paragraph 13 of Procedure 6360, Procedures for Internal Complaints Alleging Discrimination in the Workplace.

a. If discipline is recommended in the determination letter and respondent is in the career service, an appeal can be filed using the procedures set forth in N.J.A.C. 4A:2-2 and 3.

(2) [AFT MEMBER] As the respondent, appeal rights are set forth in Paragraph 16 of Procedure 6360, Procedures for Internal Complaints Alleging Discrimination in the Workplace.

XIV. INFORMAL RESOLUTION:

In lieu of resolving a complaint through the University Title IX grievance processes, the parties may instead elect to participate in an informal resolution process.

A. **Four categories of Informal Resolution**

(1) **Supportive Resolution**. When the Title IX Coordinator or designee can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

(2) **Educational Conversation**. When the Title IX Coordinator or designee can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.

(3) **Accepted Responsibility**. When the Respondent is willing to accept responsibility for violating this Procedure and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and the University are agreeable to the resolution terms.

(4) **Alternative Resolution**. When the Parties agree to resolve the matter through an alternative resolution mechanism.

B. **Procedures for Entering and Exiting Informal Resolution Process**

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Process, including prior to making a Complaint, Parties may instead seek the University's assistance to resolve allegations of Sex Discrimination, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter the University's informal resolution process at any time through an informed written Consent. This informed written Consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and the University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Process that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Process will temporarily cease, and only reinstate upon reentry into the Grievance Process.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the University's Education Program or Activity.

C. **Notice Prior to Entry Into Informal Resolution Process**

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

(1) The allegations;

(2) The requirements of the informal resolution process;

(3) That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume University's Grievance Process;

(4) That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the University's Grievance Process arising from the same allegations;

(5) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and

(6) What information the University will maintain and whether and how the University could disclose such information for use in its Grievance Process if they are initiated or resumed.

D. **Determination to Approve Entry into Informal Resolution Process**

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designee must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or designee may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution processes may never be applied where the allegations include Sexual Assault: Penetration or the equivalent.

Informal resolution may be available to address allegations of Student-on-Student and is not allowed to address allegations of employee-on-Student Sex-Based Harassment.

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designee may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Process. This determination is not subject to appeal.

If informal resolution is approved or denied, the University will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

E. **Role of the Facilitator**

Informal resolution processes are managed by trained facilitators. A facilitator shall not be the same person as the investigator or the/a decisionmaker(s) in the University's Grievance Process. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have specialized training, required by law and regulation. Such training includes:

(1) University's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;

(2) The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;

(3) All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and the University's response to sex discrimination;

(4) The rules and practices associated with the University's informal resolution process; and

(5) How to serve impartially, including by avoiding conflicts of interest and bias.

F. **Contents of Informal Resolution Agreements**

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

(1) Restrictions on contact; and

(2) Restrictions on the Respondent's participation in one or more of University's education programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had the University determined at the conclusion of the Grievance Process that Sex-Based Harassment occurred.

G. **Breach of Informal Resolution Agreements**

If a Party breaches the resolution or if the University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, the University may void the agreement and initiate or resume the Grievance Process.

H. **Confidentiality**

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Process or institutional appeal.

The Title IX Coordinator or designee will monitor the Parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

XV. SUPPORTIVE MEASURES:

The University will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the University's education program or activity or provide support during the University Title IX grievance processes or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but not limited to:

A. Counseling services;

B. Extensions of deadlines or other course-related adjustments;

C. Modifications of work or class schedules;

D. Campus escort services, as available;

E. Restrictions on contact applied to one or more Parties (no contact orders)

F. changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;

G. Leaves of absence;

H. Increased security and monitoring of certain areas of the campus; or

I. Training and education programs related to sex-based harassment.

XVI. DISCIPLINARY SANCTIONS AND REMEDIES:

Following a determination that sex-based harassment occurred, the University may impose disciplinary sanctions, which may include but not limited to:

A. **Student Sanctions include, but not limited to:**

(1) **Warning-**This action is a formal written notice on behalf of the University and will clearly document the conduct that was questionable. A written warning does not preclude the possibility of a more severe disciplinary outcome in the event of future violations.

(2) **Probation-** This action constitutes a change in status between good standing and suspension or expulsion from the University. Other restrictions or conditions of the probationary period may apply and will be stated in the sanction letter. The student is permitted to remain enrolled at the University under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Restrictions of the probation may include restriction from residence halls or university activities during the stated period and will be stated in the outcome letter (see Other Restrictions below). Further violations may result in interim suspension, suspension or expulsion from the University.

(3) **Suspension-** This action results in a student's involuntary withdrawal from the University for a definitive period of time. Please contact the Registrar's office for questions about matriculation. A suspension is an official separation from the University. Students are also not permitted to be on campus without prior authorization from the Dean of Students and must follow the instructions for separated students which is provided in the student's outcome letter. The suspension and dates assigned are recorded on a student's academic transcript.

(4) **Expulsion-** This action results in the permanent separation of the student from the University, its programs and facilities. This includes a permanent withdrawal of a student's privilege to register for and attend classes, reside on campus, use University facilities, or visit

any of the University's properties. Expulsions are recorded on a student's academic transcript.

(5) **Educational Workshop-** A workshop, typically offered on campus, which provides an opportunity for the student to learn and reflect on their behaviors. Educational assignments are specific to an individual case and are determined based on relevance to the violating behavior. Examples of educational assignments include, but are not limited to: community service, alcohol and drug programs, and decision making workshops.

(6) **Community Service-** Performance of useful duties that benefit the community in general. Students will work directly with the Office of Service Learning to establish their service learning project, register the hours, and complete this sanction.

(7) **Restitution-** Reimbursement for damage to or theft of property. Reimbursement may take the form of appropriate service to repair damages, payment to compensate for damages or replacement. Restitution may not be made to the University on behalf of the respondent utilizing any refund directly from federal or state financial aid grants or loans to the complainant or University.

(8) **Loss of Housing or Housing Visitation-** Student loses privilege to reside on-campus or visit residential facilities. The outcome letter will outline the specific restrictions.

(9) **Loss of extracurricular participation-** Student loses the privilege to participate in clubs, sports, and other social activities sponsored by the University.

(10) **Loss of Campus Visitation-** Student loses the privilege to visit all the University facilities.

B. **Employee Sanctions include, but not limited to:**

(1) Written Warning

(2) Official Written Warning

(3) Official Written Reprimand

(4) Suspension

(5) Counseling

(6) Removal

(7) Immediate Suspension Without Pay

(8) Removal Plus Fines

C. The University may also provide **remedies**, which may include but not limited to:

(1) Referral to counseling and health services

(2) Referral to the Employee Assistance Program

(3) Course and registration adjustments, such as retroactive withdrawals

(4) Education to the individual and/or the community

(5) Permanent alteration of housing assignments

(6) Permanent alteration of work arrangements for employees

(7) Provision of campus safety escorts

(8) Climate surveys

(9) Policy/Procedure modification and/or training

(10) Provision of transportation assistance

(11) Implementation of long-term contact limitations between the Parties

(12) Implementation of adjustments to academic deadlines, course schedules, etc.

GRIEVANCE PROCESS FOR COMPLAINTS OF STUDENT-INVOLVED SEX-BASED HARASSMENT AND EMPLOYEE VAWA OFFENSES

Applicability: This section Applies to sex-based harassment and sexual misconduct complaints involving a student party either complainant or respondent and employee VAWA offenses.

I. EFFECTIVE DATE:

This Grievance Process applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Process that occurred on or before July 31, 2024 will be processed through Procedure 6940.

II. SCOPE:

Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity or related conditions, sexual orientation, and/or gender identity.

III. JURISDICTION:

Stockton University's ("University") Title IX Coordinator will determine if this Grievance Process applies to a Complaint. This Grievance Process will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States;
- The conduct alleged occurred in the University's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Process.

NOTE: The University has an obligation to address a sex-based Hostile Environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside the University's Education Program or Activity, or outside of the United States. University's Title IX Coordinator will work with all Complaints to assess such Complaints that may fall under these criteria, and direct to appropriate University Policies and Procedures that may apply if this Grievance Process does not. The University will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Process as outlined in the Dismissals section.

Conduct that occurs under the University's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a Student organization that is officially recognized by the University and conduct that is subject

to University's disciplinary authority under Campus Conduct Code (Policy I-55).

If all elements of jurisdiction are met, the University will investigate the allegations according to this Grievance Process as appropriate, unless informal resolution is pursued or unless there are grounds for dismissal of the Complaint.

IV. TITLE IX REQUIREMENT:

The University has adopted Title IX grievance processes that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance processes address complaints of sex-based harassment that involve a student party and an employee party for sexual assault, dating violence, domestic violence, and stalking only.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, when it takes the form of:

- quid pro quo harassment (e.g., when an employee conditions a benefit on a person's participation in unwelcome sexual conduct);
- specific offenses (e.g., sexual assault, dating violence, domestic violence, and stalking); and/or
- hostile environment harassment.

When a party is both a student and an employee at the University, the 2024 amendments require an institution to make a fact-specific inquiry to determine whether the requirements of § 106.46 apply. In making this determination, the University must, at a minimum, consider whether the party's primary relationship with the postsecondary institution is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

V. COMPLAINTS:

The following people have a right to make a complaint of sex-based harassment, requesting that the University investigate and make a determination about alleged sex-based harassment under Title IX:

A "complainant," which includes:

- a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The University's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint.

The University may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

The University is not permitted to consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the University obtains prior written consent from the parents or eligible students to the disclosure of their education records.

VI. BASIC REQUIREMENTS OF TITLE IX GRIEVANCE PROCESS:

A. The University will treat complainants and respondents equitably.

B. The University requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

C. The University presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance process.

D. The University has established the following timeframes for the major stages of the grievance process:

   (1) Outreach: When notified, the Title IX Coordinator or designee sends electronic outreach to complainants and invites the party for an intake meeting to discuss available supportive measures, reporting options, resources, and options in-line with the Procedure. The approximate time frame is (30) calendar days.

   (2) Evaluation: The Title IX Coordinator or designee conducts an evaluation, typically within (10) calendar days of receiving Notice/Complaint/Knowledge of alleged misconduct.

   (3) Investigation: Investigations are completed within sixty (60) calendar days to ninety (90) calendar days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

   (4) Determination: The Decisionmaker’s determination process typically takes approximately twenty (20) calendar days, but this timeframe can vary depending on a number of factors and variables. The Parties will be notified of any delays.

(5) Appeal: Student Parties may submit an appeal within (7) business days after the written determination is issued to submit an appeal. Employees may submit an appeal in accordance with their classification as articulated in the Appeals Section.

The University has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay. The Parties will receive regular updates on the progress of the grievance process, as well as notification and rationale for any extensions or delay and an estimate of how much additional time will be needed to complete the process. The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The University will promptly resume its Grievance Process as soon as feasible. During such a delay, The University will implement and maintain supportive measures for the Parties as deemed appropriate. The University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. The University will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

A. The University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance processes. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance processes. The parties cannot engage in retaliation, including against witnesses.

B. The University will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

B. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance processes; and

C. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is

offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

VII. THE TITLE IX GRIEVANCE PROCEDURE FOR ALLEGATIONS OF SEX-BASED HARASSMENT & SEXUAL MISCONDUCT:

A. Filing a Complaint

Who can make a Complaint?

(1) A Complainant (as defined in Definitions section of this Procedure); or

(2) The Title IX Coordinator.

B. Title IX Coordinator initiated Complaints

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

(1) The Complainant's request not to proceed with the initiation of a Complaint;

(2) The Complainant's reasonable safety concerns regarding initiation of a complaint;

(3) The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;

(4) The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-Based Harassment and prevent its recurrence;

(5) The age and relationship of the Parties, including whether the Respondent is an employee of the University;

(6) The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;

(7) The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and

(8) Whether the University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating these grievance processes.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as

alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section XX of these procedures.

C. **Complaint**

As defined in the Definitions sections of this Procedure, a Complaint can be an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

D. **Reporting**

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint. See Sections IX and X for Reporting and Confidential Employees.

E. **Evaluation if the Title IX Coordinator is initiating an investigation under this Grievance Process**

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Process within 10 calendar days after the Complaint is made, and must issue the Notice of Investigation and Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

F. **Complainants requests initiation of the Grievance Process and a concurrent complaint to law enforcement**

The University has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

G. **Multi-Party Situations and Consolidation of Complaints**

The University may consolidate Complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

The University can consider factors when making this fact-specific determination, which include, but are not limited to:

(1) The facts and circumstances of the particular Complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and

(2) Any risks to the fairness of the investigation or outcome.

VIII. DISMISSAL OF A COMPLAINT:

The University may dismiss a complaint if:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's education program or activity and is not employed by the University;
- The University obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the complainant.

A. Notice of Dismissal

Upon dismissal, the University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will notify the parties simultaneously in writing.

The University will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the University will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, the University will, at a minimum:

(1) Offer supportive measures to the complainant as appropriate;

(2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

(3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

IX. APPEALS:

A. Appeals of Dismissals & Determinations

The University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity appeal the dismissal of a Complaint on the following grounds:

(1) **Procedural irregularity:** procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University's own policy to a degree that had material effect on the outcome of the matter);

(2) **New evidence:** New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the Complaint was made; and

(3) **Bias or Conflict of Interest:** The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then the University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays (or pauses) any sanctions for the pendency of an appeal.

Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

If a Party appeals, the University will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

B. **Student Appeals**

Level One Appeals will be decided by a panel of three (3) trained faculty or staff members for students. Level Two Appeals are reviewed and decided by the Dean of Students/ Assistant Vice President for Advocacy, Belonging, and Campus Standards (or designee) when the assigned sanctions involve a suspension. Level Three Appeals are reviewed and decided by the Vice President of Student Affairs (or designee) when the assigned sanctions involve an expulsion.

C. **Employee Appeals**

Employee appeals are managed through Human Resources. Employee appeals are reviewed and decided by the University President or the President's designee. An appeal decisionmaker will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

X. ALLEGATIONS POTENTIALLY FALLING UNDER TWO POLICIES/ PROCEDURES:

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

XI. EVALUATION:

The Title IX Coordinator or designee conducts an initial evaluation, typically within seven (7) to ten (10) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

A. Assessing whether the reported conduct may reasonably constitute a violation of the Procedure.

   (1) If the conduct may not reasonably constitute a violation of the Procedure, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.

B. Determining whether the University has jurisdiction over the reported conduct, as defined in the Procedure.

   (1) If the conduct is not within University's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate University office for resolution.

C. Offering and coordinating supportive measures for the Complainant.

D. Offering and coordinating supportive measures for the Respondent, as applicable.

E. Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Procedure described below.

F. Determining whether the Complainant wishes to initiate a Complaint.

G. Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Procedure described if a Complaint is made.

XII. WRITTEN NOTICE OF INVESTIGATION AND ALLEGATIONS:

Upon initiation of these Title IX grievance procedures the University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

A. The University Title IX grievance processes and any informal resolution process.

B. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s).

C. Retaliation is prohibited.

D. The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance processes. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker.

E. The parties may have an advisor of their choice who may be, but is not required to be, an attorney.

F. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.

G. Section C. Value Statement and Associated Prohibited Conduct 1 a) Dishonesty of Stockton University's Campus Conduct Code (I-55) prohibits knowingly making false statements or knowingly submitting false information during the grievance processes.

H. If, during an investigation, the University decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, the University will provide written notice of the additional allegations to the parties.

XIII. ADVISOR OF CHOICE AND PARTICIPATION OF ADVISOR OF CHOICE:

The University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.

XIV. INVESTIGATION OVERVIEW:

The University will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the University —not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

A. The University will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.

B. The University may establish restrictions regarding the extent to which the advisor may participate in these grievance processes, as long as the restrictions apply equally to the parties.

The University will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The University will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

A. The University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. The University will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

B. The University will provide a reasonable opportunity to review and respond to the evidence. The University conducts a live hearing as part of its grievance processes, it will provide this opportunity to review the evidence in advance of the live hearing. The University provides an opportunity to respond prior to the live hearing and during the live hearing.

C. The University will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence

D. obtained solely through the sex-based harassment grievance processes.

A. General Rules of Investigations

The investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Investigation and Allegations.

The University, and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Process. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. The University will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

B. Notice of Participation

The University will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

C. Additional Support Persons Beyond Advisors of Choice

Parties may have persons other than the advisor of the Parties' choice present during any meeting or proceeding.

D. Expert Witnesses

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call “expert witnesses” for direct examination and credibility assessment by the hearing board. While the expert witness will be allowed to testify, the decisionmaker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses.

E. Access to and Review of Evidence

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party. Parties will have ten (10) calendar days to access and review evidence.

The University will take reasonable steps to prevent and address the Parties’ and their advisors of choice’s unauthorized disclosure of information and evidence obtained solely through this Grievance Process. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Process may be subject to Campus Conduct Code (Policy I-55) and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

F. Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the investigator designated by the Title IX Coordinator. The investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Process.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to the live hearing.

G. Relevant Evidence

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Process.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

H. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by the University to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

(1) Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.

(2) A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness's voluntary, written Consent for use in the University's Grievance Process.

(3) Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

I. Timeframes

An investigation shall take 90 calendar days to complete. If there are any delays or extensions, the Title IX Coordinator must appropriately notify the Parties in writing.

J. Extensions and Delays

The University allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

XV. LIVE HEARING:

A. Questioning the Parties and Witnesses

The University will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The University chooses to conduct a live hearing: The University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

(1) Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or

(2) Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. The University permits advisor-conducted questioning and if a party does not have an advisor to ask questions on their behalf, the University will provide the party with an advisor of the University's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the University will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

B. Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

C. Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

D. Procedures for a Live Hearing

The University will conduct the live hearing with the parties physically present in the same geographic location or, at the University's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Present for the live hearing is a sanctions decisionmaker in the event sanctions are imposed following a written determination of responsibility.

Parties will receive notice of the hearing at least five (5) calendar days before the scheduled hearing.

XVI. DETERMINATION WHETHER SEX-BASED HARASSMENT OCCURRED:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the University will:

A. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

B. Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:

   (1) A description of the alleged sex-based harassment

   (2) Information about the policies and procedures that the University used to evaluate the allegations;

   (3) The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;

   (4) When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the sex-based harassment; and

   (5) The University procedures and permissible bases for the complainant and respondent to appeal.

C. The University will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance processes that the respondent engaged in prohibited sex discrimination.

D. If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

   (1) Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by sex discrimination;

   (2) Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

   (3) Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the University's education program or activity.

E. Comply with the Title IX grievance processes before the imposition of any disciplinary sanctions against a respondent; and

F. Not discipline a party, witness, or others participating in the Title IX grievance processes for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. The University may address false statements by initiating a disciplinary process under its Campus Conduct Code (I-55) as long as there is evidence independent of the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

XVII. Appeals:

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within seven (7) business days of being notified of the decision, indicating the grounds for appeal.

The University will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, the University will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

For additional information, see *IX. Appeals* for students and employees above.

XVIII. INFORMAL RESOLUTION:

In lieu of resolving a complaint through the University Title IX grievance processes, the parties may instead elect to participate in an informal resolution process. The University will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. The University will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, The University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance processes at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance processes arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in Title IX grievance processes if such procedures are initiated or resumed.

XIX. SUPPORTIVE MEASURES:

The University will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the University's education program or activity or provide support during the University's Title IX grievance processes or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services, as available;
- Restrictions on contact applied to one or more Parties (no contact orders)
- changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Training and education programs related to sex-based harassment.

XX. DISCIPLINARY SANCTIONS AND REMEDIES:

Factors the Decisionmaker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decisionmaker(s)

Following a determination that sex-based harassment occurred, the University may impose disciplinary sanctions, which may include but not limited to:

A. Student Sanctions

(1) **Warning** This action is a formal written notice on behalf of the University and will clearly document the conduct that was questionable. A written warning does not preclude the possibility of a more severe disciplinary outcome in the event of future violations.

(2) **Probation** This action constitutes a change in status between good standing and suspension or expulsion from the University. Other restrictions or conditions of the probationary period may apply and will be stated in the sanction letter. The student is permitted to remain enrolled at the University under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Restrictions of the probation may include restriction from residence halls or university activities during the stated period and will be stated in the outcome letter (see Other Restrictions below). Further violations may result in interim suspension, suspension or expulsion from the University.

(3) **Suspension** This action results in a student's involuntary withdrawal from the University for a definitive period of time. Please contact the Registrar's office for questions about matriculation. A suspension is an official separation from the University. Students are also not permitted to be on campus without prior authorization from the Dean of Students and must follow the instructions for separated students which is provided in the student's outcome letter. The suspension and dates assigned are recorded on a student's academic transcript.

(4) **Expulsion** This action results in the permanent separation of the student from the University, its programs and facilities. This includes a permanent withdrawal of a student's privilege to register for and attend classes, reside on campus, use University facilities, or visit any of the

University's properties. Expulsions are recorded on a student's academic transcript.

(5) **Educational Workshop** A workshop, typically offered on campus, which provides an opportunity for the student to learn and reflect on their behaviors. Educational assignments are specific to an individual case and are determined based on relevance to the violating behavior. Examples of educational assignments include, but are not limited to: community service, alcohol and drug programs, and decision making workshops.

(6) **Community Service** Performance of useful duties that benefit the community in general. Students will work directly with the Office of Service Learning to establish their service learning project, register the hours, and complete this sanction.

(7) **Restitution** Reimbursement for damage to or theft of property. Reimbursement may take the form of appropriate service to repair damages, payment to compensate for damages or replacement. Restitution may not be made to the University on behalf of the respondent utilizing any refund directly from federal or state financial aid grants or loans to the complainant or University.

(8) **Loss of Housing or Housing Visitation** Student loses privilege to reside on-campus or visit residential facilities. The outcome letter will outline the specific restrictions.

(9) **Loss of extracurricular participation** Student loses the privilege to participate in clubs, sports, and other social activities sponsored by the University.

(10) **Loss of Campus Visitation** Student loses the privilege to visit all the University facilities.

B. Clery Act Compliance & Prohibited Conduct Sanction Ranges

The potential range of Disciplinary sanction ranges are listed below:

(1) **Discrimination**: warning through expulsion

(2) **Discriminatory Harassment:** warning through expulsion

(3) **Quid Pro Quo Harassment:** warning through expulsion

(4) **Hostile Environment Harassment:** warning through expulsion

(5) **Rape:** suspension through expulsion

(6) **Fondling:** warning through suspension

(7) **Incest:** warning through probation

(8) **Statutory Rape:** warning through suspension

(9) **Stalking:** probation through expulsion

(10) **Dating/Domestic Violence:** probation through expulsion

(11) **Sexual Exploitation:** warning through expulsion

C. Employee Sanctions

Employee sanctions include but not limited to:

(1) Written Warning

(2) Official Written Warning

(3) Official Written Reprimand

(4) Suspension

(5) Counseling

(6) Removal

(7) Immediate Suspension Without Pay

(8) Removal Plus Fines

D. Remedies

The University may also provide remedies, which may include but not limited to:

(1) Referral to counseling and health services

(2) Referral to the Employee Assistance Program

(3) Course and registration adjustments, such as retroactive withdrawals

(4) Education to the individual and/or the community

(5) Permanent alteration of housing assignments

(6) Permanent alteration of work arrangements for employees

(7) Provision of campus safety escorts

(8) Climate surveys

(9) Policy/Procedure modification and/or training

(10) Provision of transportation assistance

(11) Implementation of long-term contact limitations between the Parties

(12) Implementation of adjustments to academic deadlines, course schedules, etc.,

XXI. RETALIATION:

When the University has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Process, the University is obligated to initiate its Grievance Process.

The University will keep the identity of any individual who has made a report or Complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Complaint of Sex-Based Harassment or sex discrimination under the University's Title IX Grievance Process, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under the University's Title IX Grievance Process.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the

Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under the University's Grievance Process.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for Campus Conduct Code (I-55) violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or Complaint of sex discrimination or a report or Complaint of Sex-Based Harassment.

Complaints alleging Retaliation may be filed according to the University's Grievance Process for sex discrimination other than sex-based harassment.

XXII. ADAPTED FROM:

2024 ONE POLICY, ONE PROCEDURE (1P1P) MODEL.

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Stockton University is an Institutional Member of the SUNY Student Conduct Institute.

Review History:

	Date
Procedure Administrator	07/30/2024
Divisional Executive	07/30/2024
General Counsel	07/31/2024
Cabinet	07/31/2024
President	08/01/2024