Dear President Dambroski, and Stockton Student Senate:

Stockton University appreciates and supports student participation in the governance of the University community. The President, selected Cabinet members, and the Student Affairs administrative team have reviewed SP18-003 “Recommendation to Change Sexual Assault Policy and Promote Students’ Victim Support and Resiliency Services,” and responds below to the stated student body concerns.

Recommendation to Recommit to the 2011 Dear Colleague Letter

1. Stockton University policy should distinctly state that the University will continue to abide by the guidelines set forth in the 2011 Dear Colleague Letter issued by the Department of Education Office for Civil Rights (“OCR”) when handling allegations of sexual assault where possible under the current law and under the interim guidelines issued by the OCR in September 2017or any other follow-up document that outlines new Title IX guidelines. A link to all necessary documents should also be clearly provided. Specific guidelines that should be followed include:

**Response:** Stockton University is required and committed to following the federal guidelines issued by the U. S. Department of Education’s Office of Civil Rights (OCR) to address and eliminate sexual misconduct on our campus. The September 22, 2017 OCR guidance reinforces many provisions in the 2011 Dear Colleague Letter, based in the 2001 Revised Sexual Harassment Guidance and vetted by the University. The September 2017 OCR guidance did not significantly change any of the University’s current policies, procedures, and practices pertaining to sexual misconduct. Our efforts to provide an adequate, reliable, and impartial investigation and a timely, fair, and equitable process to resolve reports of sexual misconduct satisfied the expectations of the 2011 guidance and comply with the guidance issued in September 2017. The University will continue to implement best practices to address reports of sexual harassment while maintaining compliance under the September 2017 Dear Colleague Letter.

* 1. A 60-day timeframe for good-faith investigations of sexual assault by the University unless asked to discontinue further investigation by a police department or other authoritative body investigating the allegations.

Response: Stockton University remains committed to a timely and thorough process for all parties involved in an Administrative Title IX investigation. In order to conduct a fair and impartial investigation in a timely manner, the University makes a good faith effort to investigate, adjudicate, and resolve allegations of sexual misconduct[[1]](#footnote-1) within the originally OCR-recommended 60-day timeframe when doing so does not compromise the institution’s ability to conduct a fair and impartial investigation.

* 1. Mediation and/or other forms of informal resolution will not be used for cases of sexual assault, hostile environment, and/or other violent crimes.

Response: Informal resolution may not be appropriate for certain claims of sexual misconduct; however, if all parties voluntarily agree (without coercion) and are willing to engage in mediation after receiving a full disclosure of the allegations and their options for formal resolution (i.e., investigation and hearing), they should be allowed to do so.

Mediation does not eliminate a student complainant’s right to file a complaint and have a fair and impartial investigation conducted in a timely manner. Mediation also does not eliminate a student respondent’s right to consult an attorney or other support person.

The Stockton University Mediation and Problem Solving (MAPS) program is available to all students, faculty, and staff. The Office of Human Resources and the Office of Student Rights and Responsibilities will provide training for faculty and staff to prepare them to mediate cases involving sexual and other types of violence.

**Action Item:** Revisions to the *Stockton University* *Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct* is pending re-publication. The Resource Guide and the Title IX web page will continue to have web links to other resources, including the U.S. Department of Education Office of Civil Rights to permit access to current documents and regulations. Document links are not recommended because they do not always reflect current documents.

1. The following changes and/or additions to *Stockton University’s* *Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct* should be made:
   1. A bullet point defining Stockton’s commitment to following the 2011 Dear Colleague Letter should be added to the “Stockton’s Commitment” section

Response: The September 2017 OCR Dear Colleague Letter rescinded the 2011 OCR Dear Colleague Letter and the April 29, 2014 Q&A on the 2011 OCR guidance. As such, the 2011 Dear Colleague Letter is no longer permissible OCR guidance on the issues addressed in the September 2017 Dear Colleague Letter. However, the University will continue to implement best practices to address reports of sexual misconduct while also maintaining compliance with federal and state law, including Title IX, the New Jersey Law Against Discrimination, the 2001 OCR Revised Sexual Harassment Guidance, the September 2017 OCR Dear Colleague Letter, and any other additional guidance from either the State of New Jersey and the U.S. Department of Education.

Please note that the archival link to *Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct* is inaccurate as the document is outdated and no longer in effect. A revision to Title IX Resource Guide is pending publication.

* 1. Appropriate changes should be made to “Part IV: Administrative Response Protocol to Reports of Sexual Misconduct”and “Part V: Title IX Investigations and Criminal Investigations in Sexual Violence Cases”so that administrative response and investigation protocol is in compliance with the 2011 Dear Colleague Letter, including the 60-day timeframe for investigations.

Response: The September 2017 OCR Dear Colleague Letter rescinded the 2011 OCR Dear Colleague Letter and the April 29, 2014 Q&A on the 2011 OCR guidance. As such, the 2011 Dear Colleague Letter is no longer permissible OCR guidance on the issues addressed in the September 2017 Dear Colleague Letter. The University is obligated to ensure that all sexual misconduct investigations are thorough, fair, impartial, and complete. Under the 2011 OCR guidance, the 60 calendar-day timeframe was guidance for colleges and universities when investigating sexual misconduct cases, not a hard and fast timeframe. Where circumstances permit this process to be completed within a 60 calendar-day timeframe, the University will do so.

Action Item: For purposes of clarity, the following statement will be added to the appropriate documents: *“Providing a timely, fair, impartial and thorough process for all parties involved in an Administrative Title IX investigation is a University priority. The University will make good faith efforts to complete the investigative and adjudicative processes within 60 calendar days, provided doing so does not compromise the institution’s ability to conduct a fair and impartial investigation. The resolution period may extend beyond 60 calendar days in complex cases, or where other circumstances necessitate additional time to investigate, adjudicate or otherwise resolve the matter.”*

1. The Stockton University *Sexual Assault Policy6* should be altered to clearly state the University will follow the 2011 Dear Colleague Letter where possible under the current law and under the interim guidelines.

Response:

The archival link to the *Sexual Assault Policy* is misplaced as the document is outdated, no longer in effect, and is not accessible via the University website. The guiding documents are the Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment (referred to as “Student Policy”), as well as the information contained on the Title IX web page. The revised Title IX Resource Guide will be published and returned to the Title IX web page.

Action Item: Revisions to the Title IX Resource Guide is pending publication.

1. Stockton University should take any other steps and/or necessary procedural and policy changes to make the recommendations stated in #1 official Stockton University policy. These changes must also be clearly and distinctly stated in all related and supporting documents, similarly to the changes advised in #2 and #3.

Response: As noted in the University’s preceding responses, the 2011 Dear Colleague Letter is no longer permissible policy guidance on the issues addressed in the September 2017 Dear Colleague Letter. Stockton University, however, will continue to implement best practices to address reports of sex discrimination and sexual misconduct in compliance with current mandatory federal and state laws, regulations, and guidelines.

In compliance with Title IX, the Stockton University Title IX Resource Guide, the Title IX web page, and the Student Policy on Sexual Misconduct and Discrimination in the Academic /Educational Environment are the appropriate internal documents to follow regarding the University’s policies on addressing sexual assault. These references will have the most up-to-date information on how the University addresses sexual misconduct on campus.

1. A public statement should be released from the Office of the President by the Title IX Coordinator, affirming that Stockton University remains committed to the safety and wellbeing of its students and will continue to handle allegations of sexual assault and gender-based violence in accordance to the withdrawn 2011 Dear Colleague Letter in addition to Title IX, the Clery Act, and other legal documents that outline Title IX requirements and procedures, such as the interim Title IX guidelines released in September 2017.

Response: On February 12, 2018, Dr. Valerie Hayes, Esq. the University’s Title IX Coordinator emailed a Title IX Non-Discrimination Notice (“Title IX Notice”) to all students and employees. The Title IX Notice outlined the University’s prohibition on discriminatory conduct on the basis of sex in the provision of educational services and or employment, including sexual violence and other forms of sexual harassment. Additionally, the Notice identified the relevant University’s policy and procedure documents outlining these prohibitions (i.e., (Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment (I-120) and Policy Prohibiting Discrimination in the Workplace (VI-28)), as well as detailed lists of and links to on-campus and off-campus resources.

Action Item: Dr. Hayes will continue to send the Title IX Notice each fall and spring semester. In view of the stated concerns in Student Senate Resolution SP18-003, Dr. Hayes will resend the Title IX Notice to students and employees this Spring 2018 semester. In addition, Dr. Christopher Catching, Vice President for Student Affairs, and Dr. Hayes will confer with Student Senate Leadership to schedule an informational meeting to discuss the historical development of guidance on Title IX and how it shapes the University’s current policies and procedures, if the Student Senate finds this approach to be helpful

Maintaining and Promoting Accessible, Safe Resources for Victims of Sexual Assault

1. Stockton’s Women, Gender, and Sexuality Center (WGSC), all of its programs, activities, and other resources, is currently being staffed and run by a single employee housed in Counseling Services’ office. In addition to creating a new space for the Women, Gender, and Sexuality Center, which is currently being planned, increased resources must be allocated to the WGSC to properly meet the needs of Stockton students. This should include a full-time staff member who would aid the current WGSC Director in supporting and running the WGSC, such as staffing the 24/7 crisis hotline for victims of sexual assault that is currently operating through Stockton’s WGSC. This staff member should not be shared amongst various Stockton University departments and, if they are an internal hire, their old position is to be filled in a timely manner.

Response: The identification of space for the Women’s Gender and Sexuality Center remains a University priority. The university Space Committee will be evaluating opportunities during the fall 2018 semester. Vice President Catching will keep the Student Senate informed of the progress of the space request.

Action Item: The process of identifying space on campus involves and impacts a number of University stakeholders, and Dr. Christopher Catching, Vice President for Student Affairs, will continue to advocate for the identification of a separate location for the WGSC. He will work with partners in Student Affairs, Academic Affairs, Facilities and Student Senate to bring this to fruition.

Staffing proposals for the WGSC have consistently been part of the University’s competitive funding process along with general student counseling, learning access program requirements and other specialized needs. Staffing for the WGSC will continue to be a priority for the Student Affairs Division. The Vice President for Student Affairs, Dean of Students and their team members will continue to work towards identifying staffing resources for the WGSC and will keep Student Senate abreast of the progress made in this area.

1. The phone number for Stockton University’s Women, Gender, and Sexuality Center’s 24/7 crisis hotline for sexual assault7 should be promoted to students in the following ways:
2. Added to the SIGNALS Sexual Assault Safe Reporting Places webpage8
3. Added to the Sexual Assault Policy under “Safe Places to Report Allegations of Sexual Assault”
4. Added to the “To Report Sexual Misconduct” section of the University’s *Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct* as one of the “On-Campus Confidential Safe Places”9
5. Added to the Stockton University Office for Institutional Diversity and Equity’s On-Campus Confidential Places to Report Sexual Misconduct document10
6. Added to the back of Stockton Osprey (ID) cards
7. This number should be promoted in any additional, appropriate way so that Stockton students have access to the resources available to them
8. It should be specified in all changes that Stockton residential students are encouraged to utilize Stockton’s crisis line number, while the Atlantic County Women’s Center’s crisis line number is a more effective resource for non-residential students and for incidents that occur off-campus.

These changes/additions should explicitly state that the number is for Stockton University’s Women, Gender, and Sexuality Center’s 24/7 sexual assault crisis hotline.

Response: Stockton has a 24/7 phone number (609-849-8473) for victims of dating violence, stalking and sexual assault which is answered by the Director of the WGSC. All calls are always confidential unless the student wishes to report. The number is given out to residential students by complex directors at the time of an assault. It is also published in the Victim Notification handout (provided to victims at the time of reporting an assault and the information is on the Stockton University Police’s website).

It is not possible at this time to have an in-house hotline for the entire Stockton University community for the following reasons:

* The WGSC is staffed by one full-time director and,
* The Women’s Center (formerly the Atlantic County Women’s Center) has 24/7 hotline coverage available for victims in Atlantic County, which includes the University. Ocean County has a similar countywide hotline for students at the Manahawkin facility.
* The University does not currently have a Sexual Assault Response Team (SART) recognized by the state of New Jersey. The University is a part of the Atlantic County SART, which houses a 24/7 hotline at The Women’s Center.

This request can be revisited when another position is funded and hotline coverage is made possible by an increase in the Health Activity fee or other source of funding.

Please note that the archival link to the *SIGNALS Sexual Assault Safe Reporting Places* webpage is incorrect as the document is outdated, no longer in effect, and is not accessible via the University website

Action Item: Additions to the student I.D. card, requested by student leadership during this academic year, are being implemented for Fall 2018. There is no space remaining for additional information on the back of the I.D. card at this time. When an in-house hotline becomes available, the I.D. card request can be revisited for updates.

1. The “Women s Center - 24 Hour Crisis Hotline” number listed as a Local Resource under the “To Report Sexual Misconduct” section of the University’s *Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct* should be updated to read “Atlantic County Women’s Center -24 Hour Crisis Hotline” so that there is no confusion between Stockton’s Women, Gender, and Sexuality Center’s crisis hotline and the Atlantic County Women’s Center’s crisis hotline.

Response: The Women’s Center, operated by the County changed its name and now is known and legally referred to as “The Women’s Center.”

Action Item: The words Atlantic County can be placed in parentheses after the title to assist in identification.

1. Sexual misconduct includes sexual harassment, gender-based harassment, and sexual violence. [↑](#footnote-ref-1)