



## TITLE IX COMPLIANCE

### **Title IX Coordinator**

Dr. Joseph Ciccone serves as the Title IX Coordinator for the College. The Title IX Coordinator is responsible for the College's compliance with Title IX of the Education Amendments of 1972. The Title IX Coordinator role on campus is to administer the review, investigation, and resolution procedures for reports of sexual misconduct and harassment. **Students** seeking additional information or wishing to file a complaint related to discrimination, harassment, or assault on the basis of sex, race, creed, color, religion, handicap/disability, gender, age, marital status, sexual orientation, gender identity or expression, or national origin should contact Dr. Ciccone or Katherine Buck, Vice President for Student Life. **Employees** seeking additional information or wishing to file a complaint related to discrimination or harassment should contact Dr. Ciccone or Kathleen Fusaro, Human Resources Administrator. Contact information is below:

Joseph Ciccone, Title IX Coordinator, Suite 22, Santa Maria Hall, (973) 290-4383

Kathleen Fusaro, Human Resources Administrator, Room 6, Santa Rita Hall, (973) 290-4453

Katherine Buck, Vice President for Student Life, Room 318, Annunciation Center, (973) 290-4203

### **COLLEGE OF SAINT ELIZABETH SEXUAL HARASSMENT, ASSAULT, AND DISCRIMINATION POLICY**

As a Catholic institution of higher education, the College of Saint Elizabeth is a community of learning which is based on the trust, respect, and dignity of its members and celebrates God's love for all. As such, the College expects high standards of personal behavior and responsibility from its students, faculty and staff and calls all members of its community to act from a commitment to justice, mercy, and compassion, and in light of Catholic Social teaching, to develop respect and responsibility for others. With these values as its foundation, the College is therefore committed to fostering an educational and working environment that is free from all forms of discrimination and harassment (including sexual harassment, sexual assault, sexual misconduct, dating violence, domestic violence, and stalking). In recognition of the dignity and worth of all members of the College community, incidents of such behavior will not be tolerated. Every member of the campus community (including faculty, staff, students or third parties) is responsible for insuring that incidents of harassment and/or sexual misconduct do not occur, and should they occur, assume the responsibility for reporting them.

The College of Saint Elizabeth has an obligation to uphold the laws of the community of which it is a part. While the laws of the community and the rules of the College may overlap, they operate independently and do not substitute for each other. The College may pursue enforcement of its

rules, whether or not legal proceedings are underway or in prospect, and may use information from third party sources to determine whether College policy has been violated or not. Membership in the College does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all of the College's regulations. Therefore, a student or employee charged with discrimination, harassment, sexual harassment, sexual misconduct or sexual violence can be disciplined by the College through the complaint process outlined below, and may also be prosecuted under New Jersey criminal statutes.

Individuals, who believe they have been sexually harassed or assaulted, or who believe that they are the target of other forms of harassment and assault as defined in this Policy, are encouraged to report their concerns to one of the individuals listed above.

The harassment complaint process ("Complaint Process") is to be followed whenever a complaint of harassment (as described below) is made that alleges conduct that may be in violation of the College's Anti-Harassment and Non-Discrimination Policy ("Policy"). The Policy prohibits harassment based upon certain enumerated protected categories as listed above. The purpose of the Complaint Process is to describe the steps to be followed for reporting and handling complaints of discrimination, harassment, or sexual assault.

## **I. DEFINITIONS**

**Harassment** is defined as conduct that creates an impermissible hostile educational or work environment based on an individual's actual or perceived race, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity or expression, disability, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, and any other category protected by law that is sufficiently severe, persistent or pervasive so as to limit a student or employee's ability to participate in or benefit from an educational program or activity, or work environment at the College of Saint Elizabeth.

**Sexual harassment** is a form of sexual discrimination, which is illegal under Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the New Jersey Law Against Discrimination. Sexual harassment consists of nonconsensual sexual advances, requests for sexual favors, or other verbal or physical conduct based on sex, whether on or off campus, when:

- (1) Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or
- (2) Submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement;  
or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment.

Sexual harassment may be found in a single episode, as well as in persistent behavior. Conduct that occurs in the process of application for admission to a program or selection for employment is covered by this policy, as well as conduct directed toward College students, faculty, or staff members. In addition, conduct by third parties (i.e., individuals who are neither students nor employees, including but not limited to guests and consultants) is covered by this policy. Both men

and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the gender of the harasser. Sexual harassment is a matter of particular concern to an academic community in which students, faculty, and staff are related by strong bonds of intellectual dependence and trust. If members of the faculty, whether professors or graduate assistants, or other College employees, introduce sex into a professional relationship with a student, they abuse their position of authority.

Sexual harassment can be verbal or physical. It can be either explicit or implicit. It can, for example, be a promise that a person will receive a particular grade, promotion, or continued employment in exchange for a sexual favor. In addition, persistent, unwelcome attempts to change a professional relationship to a personal one can be a form of sexual harassment. Stalking, including via e-mail or other electronic means may also be a form of sexual harassment. Sexual violence is also prohibited by College policy.

**Sexual violence or sexual assault** is defined as sexual contact *without* consent and includes:

- Fondling (the touching of private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity).
- Rape (penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim by either an acquaintance or stranger of any gender).
- Attempted rape.
- Sodomy (oral sex or anal intercourse).
- Sexual assault.
- Sexual battery.
- Sexual coercion.
- Lewdness (an offensive act committed by a person who reasonably expects that the act is likely to be viewed by another as alarming).

**Consent:** To constitute lack of consent, the acts must be committed either by force, intimidation, or through use of the victim's mental incapacity or physical helplessness due to drug or alcohol consumption, mental deficiency, being asleep/unconscious, and/or being under the legal age of consent according to New Jersey law. Agreement given under such conditions does not constitute consent. The definition of consent does not vary based upon a particular sex, sexual orientation, gender identity, or gender expression.

Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

### **Consent for Sexual Activity**

- Healthy sexual interactions are rooted in consent and respect.
- Effective consent is a clear yes or no for sexual activity that is freely given.
- Assumed consent is not consent.
- Consent is specific.
- Giving consent once does not mean consent stands in the future. Similarly, if a partner has given consent in the past to sexual activity, this does not apply to current or future interactions.
- Consent can be initially given and later withdrawn. If one party is uncomfortable, he/she can change their mind at any time, no matter how far things have progressed.
- If one partner is intoxicated, asleep, or unconscious, she or he cannot give consent.
- Coercion, force, or threats or violence, invalidate consent.

**Dating Violence** is defined as a violent act committed by a person –

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship
  - b. The type of relationship
  - c. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is defined as felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New Jersey, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of New Jersey.

**Stalking** is defined as purposeful conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others *or* causes the person to suffer substantial emotional distress (e.g. significant mental anguish that may, but does not necessarily require medical or other professional treatment or counseling). Stalking is a pattern (two or more occurrences) of malicious acts, including, but not limited to, acts which the stalker directly or indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.

**Cyber-Stalking** is a particular form of stalking in which a person uses electronic media, such as internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact that causes fear or substantial emotional distress for another person.

**Retaliation** against individuals who report sexual misconduct, file complaints of sexual misconduct, cooperate in the investigation of sexual misconduct, or hear formal or informal complaints of sexual misconduct is strictly forbidden. The complaint process set out here is available to any individual who believes that he or she has suffered retaliation for any of these actions. Retaliation against anyone who complains of, investigates, or participates in an investigation of alleged harassment, assault or discrimination is grounds for discipline up to expulsion (for students) and dismissal (for employees).

## **II. HOW TO REPORT SEXUAL HARASSMENT, SEXUAL ASSAULT, OR DISCRIMINATION AGAINST STUDENTS**

Students are strongly encouraged to promptly report all incidents of harassment that they experience or observe, including sexual harassment/sexual assault, or discrimination. Faculty and staff who learn of alleged harassment, assault or discrimination against a student must report such information to one of the individuals listed below. Prompt reporting of such incidents makes investigation of the incident more effective, enhances the ability of the College to investigate and take action on a complaint, and aids the College in protecting our academic community.

On-Campus Resources: Sexual harassment and assault are an offense against the College community as well as against the individual victim. Student victims of any form of harassment or sexual violence that occurs on-campus (or in any setting related to college programs, including off-campus activities such as field trips or athletic events) are strongly encouraged to report the incident to any Campus Security Authority. These designated individuals have significant responsibility for student, employee and/or campus activities. They include, but are not limited to:

- Katherine Buck, Vice President for Student Life, Annunciation Center, Room 318, (973) 290-4203
- Zsuzsanna Nagy, Director of Counseling Services, Wellness Center, Founders Hall (973) 290-4175
- Susan Lasker, M.D. Director of Health Services, Wellness Center, Founders Hall, (973) 290-4175
- Juliene Simpson, Athletic Director, Lower Level, Saint Joseph Hall, (973) 290-4207
- Lenee Woodson, International and Multi-Cultural Affairs, Santa Rita Hall, Room 203, (973) 290-4227

These campus officials will assist the victim to obtain help (either through campus resources or outside referrals), and to initiate the Complaint Process (and/or criminal proceedings) through the Title IX Coordinator.

Reporting through the Advocate CARE system: In addition to the resources listed above, any member of the campus community can also report a concern of harassment or misconduct through the Advocate CARE program. Individuals reporting a concern can log on to <http://www.cse.edu/security> and click the CSE CARE Report button to complete a report. Individuals submitting a report will be asked to provide contact information so the appropriate College officials may follow up for more details regarding the report, if necessary.

Interim Measures and Academic Accommodations:

The College will make interim measures available to both the Complainant and Respondent throughout the investigative process in a dating violence, domestic violence, sexual assault/sexual misconduct and/or stalking complaint. These interim measures will be tailored based upon facts making every effort to avoid depriving any student of his or her education. Interim measures may be modified as appropriate by the Title IX Coordinator. Such measures may include the following:

- alternate housing assignments;
- course reassignment;
- issuance of a zero contact order;
- change in work schedule and/or location; or
- reasonable academic accommodations, which may include withdrawal from class, retaking a class without penalty, and/or access to tutoring services.

These interim measures will be provided whether or not the complainant elects to file an informal or formal complaint or makes a police report.

Confidentiality: The College of Saint Elizabeth is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the College encourages victims to report an incident of sexual misconduct, there are many options available for students to speak with someone about what happened while maintaining confidentiality. The College shall maintain confidentiality to the extent possible. Only those who have a need to know will be told the identity of the parties to a complaint. In some instances, a Complainant may choose to take no action or to defer action until a later date in order to maintain anonymity. In these instances, the College reserves the right to limited disclosure and to take appropriate action in order to ensure the safety and well-being of members of the College community.

Confidential Resources: Licensed professional counselors provide mental-health counseling to members of the campus community and are not obligated to report any information to the College, but will provide referrals and resources to an individual in need. Confidential resources include:

Zsuzsanna Nagy, Director of Counseling Services, Wellness Center, Founders Hall (973) 290-4175

MorrisCARES Sexual Assault Hotline & Crisis Counseling, Morristown Medical Center, (973) 829-0587

The privacy of the student victim will be respected at all times. It is the victim's decision whether to initiate a complaint or to continue with any form of resolution. It is the right of the victim not to report, but if she/he does report, the College is obligated by law to take measures to remedy any harassment it confirms. However, if a student elects not to file a formal or informal complaint, the College reserves the right to take action in situations where, in the judgment of College officials, the interests of the wider College community may be affected.

Students who experience sexual violence are strongly encouraged to report the assault to the police; campus officials will assist victims with such reports. Should the victim of sexual violence decide not to report the assault to the police, the College reserves the right to determine whether the College community may be at risk if such a report is not made. Should the College decide to

contact the police, every effort will be made to protect the victim's privacy.

Students who wish to file a complaint against an individual may use either an informal or formal process, as described in Section IV below.

Off-Campus Resources and Immediate Medical Attention: The College is committed to partnering with off-campus resources such as MorrisCARES and the Florham Park Police Department to provide specialized care to victims of sexual assault in a supportive environment. Individuals may also want to seek medical assistance through Morristown Medical Center. Every victim has the option to seek treatment for injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. An individual can seek this medical assistance by dialing 911, MorrisCARES at 973-829-0587, or Residence Life at 973-985-7394.

**Services provided by MorrisCARES include:**

- **Sexual Assault Hotline: 973-829-0587** – confidential support and crisis counseling provided by a professional therapist, available 24 hours per day, 7 days per week.
- **Individual counseling & support groups** – available to male and female survivors of sexual violence, as well as to their families and significant others.
- **Advocacy services** – trained advocates accompany survivors of sexual violence to local police departments and the emergency room at Morristown Medical Center.
- **Community education** – covers a variety of topics related to sexual violence and harassment

**Sexual Assault Response Team (SART)**

An advocate certified forensic nurse and specially-trained law enforcement investigators address the medical, emotional and legal needs of survivors 13 years of age and up who are in acute crisis and have been sexually assaulted within a five-day period. Services are available through MorrisCARES.

**Jersey Battered Women's Services - Full-service domestic violence and domestic abuse prevention agency offering:**

- Confidential hotline 1-877-R-U-ABUSED or agency support (973) 267-4763
- Emergency safe house for women and their children
- Counseling and legal assistance
- Children's services
- Transitional housing
- Life skills education/vocational counseling
- Community education
- Teenage dating abuse prevention

- Primary prevention
- Friends & Family support
- Batterer's Intervention

### **Florham Park Police Department**

Florham Park Police officers have been trained by MorrisCARES advocates on response to victims of sexual violence. Individuals can choose to report an incident of sexual violence, domestic violence, dating violence, or stalking to the police by contacting the Florham Park Police: Emergency 911 or non-emergency (973) 377-2200.

### **III. HOW TO REPORT HARASSMENT, ASSAULT, OR DISCRIMINATION INVOLVING EMPLOYEES**

Any employee who believes that he or she has encountered or witnessed harassment, assault or discrimination shall report the misconduct to the Title IX Coordinator (973-290-4383, Santa Maria Hall, Suite 22, 2nd Floor) either orally or in writing as promptly as possible utilizing the Title IX Complaint Form located in Appendix A. In addition, employees who experience sexual violence are strongly encouraged to report the assault to the police; campus officials will assist victims with such reports. Should the victim of sexual violence decide not to report the assault to the police, the College reserves the right to determine whether the College community may be at risk if such a report is not made. Should the College decide to contact the police; every effort will be made to protect the victim's confidentiality.

Faculty, students and staff who wish to file a complaint against the accused individual may use either an informal or formal process, as described in Section IV below.

### **IV. THE COMPLAINT INVESTIGATION PROCESS/GRIEVANCE PROCEDURE**

After receiving the Title IX Complaint Form indicating that a student or employee wishes to file a complaint of harassment, assault, domestic violence, dating violence, stalking or discrimination, the Title IX Coordinator will immediately provide the accused (the Respondent) with a copy of the College's policy as well as the written complaint filed against him/her. The Respondent must then prepare a written response to the allegations and submit it to the Title IX Coordinator within three business days prior to the initial interview taking place. The Title IX Coordinator will review both the written complaint and response, and if warranted, will assign two investigators to the case within one class day. The College will endeavor to conduct a timely review of the complaints if possible and conclude the investigation within approximately sixty days.

The investigators assigned to a complaint will explain to both the Complainant and the Respondent the avenues for informal and formal action, including a description of the process and the relevant avenues of redress, and will provide them with a written summary of the process. The Title IX Coordinator (or investigator) has the authority to take all reasonable and prudent interim measures to protect both parties pending completion of the investigation and during the informal or formal procedures undertaken to resolve the complaint.

#### Informal Resolution



The Complainant will determine whether to use the informal grievance procedure or the formal procedure described below. Use of the informal procedure does not preclude the later use of the formal procedure.

The informal resolution process involves a good faith effort to resolve the issue through confidential, informal means. The informal procedures are designed to resolve complaints quickly and efficiently, but can only be utilized if both parties voluntarily agree to participate. There are various methods available to attempt informal resolution, and the method or methods chosen will be tailored to the particular circumstances. Methods may include, but are not limited to, mediation or modification of a situation in which the offensive conduct occurred, or arranging a meeting between the Title IX Coordinator or Investigator and the alleged offender to discuss the requirements of the policy.

Where circumstances allow for Informal Resolution, procedures such as mediation will be initiated as soon as possible, absent any unusual circumstances. Both the Complainant and the Respondent have the right to bypass or end the informal complaint process at any time in order to initiate formal complaint proceedings. Likewise, if the issue is not satisfactorily resolved through the informal process, either party may then inform the Title IX Coordinator in writing that he/she wishes to use the formal process. If the complaint names the Title IX Coordinator as the Respondent, the complaint should be directed to the Vice President for Finance and Administration. The utilization of the informal resolution process is not a precondition for initiating the formal resolution process.

### Formal Resolution

If either the Complainant or the Respondent requests a Formal Resolution Process, a formal investigation will be initiated. The investigator will work as expeditiously as possible to conduct a full and fair investigation. The investigator will give both the Complainant and the Respondent a reasonable opportunity to be heard (orally and/or in writing), with respect to the complaint and to furnish names of witnesses along with information or other evidence pertaining to their knowledge of the matters set forth in the complaint. Both parties will be permitted to furnish a list of questions to the investigators to be asked as part of the investigative process. Upon completion of the investigation, the investigators will report in writing to the Title IX Coordinator, setting forth the steps taken in the investigation and the investigator's findings.

The Title IX Coordinator will review the report of the investigators. If the Title IX Coordinator finds the investigation incomplete or otherwise unacceptable, the Title IX Coordinator may request further investigation by the investigators, or may assign a new investigator(s) to the complaint. Once the investigation is complete, the Title IX Coordinator shall give the Complainant and the Respondent a summary of the investigator's report, a reasonable time (typically five business days) to prepare a response and then a reasonable opportunity for the Title IX Coordinator to prepare a final resolution to the case. If the Respondent asserts that an issue of academic freedom is involved, the Title IX Coordinator shall consult with appropriate faculty or staff members, as the Title IX Coordinator deems advisable.

Filing a Complaint with a State and/or Federal Agency: A student who is not satisfied with the College's handling of a complaint, may also file a complaint with federal and state agencies. Please refer to the Student Complaint Procedure found in the Student Handbook.

## V. PROCESS FOLLOWING THE INVESTIGATION

Process when Student is Respondent. After the investigation is concluded, the Title IX Coordinator will make a determination as to whether the Respondent's conduct constitutes harassment or sexual violence under the Policy, using the "preponderance of evidence" standard (i.e. it is more likely than not that sexual harassment or violence occurred). If the Title IX Coordinator determines that the Respondent has not engaged in conduct that violates this Policy, the Title IX Coordinator shall notify the Respondent and the Complainant in writing of this conclusion, and it shall be noted on all relevant records maintained by the Title IX Coordinator.

The Title IX Coordinator shall notify the Complainant of the determination that the Policy was violated. The Title IX Coordinator shall also notify the Respondent of the determination that the Respondent violated the Policy, and advise the Respondent of the appropriate corrective action that will be taken. If the Title IX Coordinator determines that the Respondent has engaged in harassment, assault or discrimination, the Title IX Coordinator will send a memorandum of determination to Judicial Affairs Officer who will amend the Respondent's disciplinary records and implement the sanctions determined by the Title IX Coordinator. At the conclusion of this process, the Title IX Coordinator will provide written notification to the parties involved of the outcome and resolution.

Appeals by Students. Once written notification is received, the Complainant or Respondent will have the opportunity to appeal the findings in writing within five business days to the Vice President of Student Life. The Complainant or Respondent may appeal the determination only on the following grounds:

- The discovery of new, relevant evidence, that was unavailable to the appealing party during the investigation that could reasonably affect the outcome of the case.

The written appeal must specify the grounds for the appeal with supporting rationale, including a response to the Investigative Report or the determination of the Title IX Coordinator. The appeal may also include, or make reference to, other relevant information such as the identity of new witnesses who were not reasonably discoverable during the investigation or other evidence that was not considered during the investigation. All appeals must be in writing. The Complainant or Respondent should be aware that all appeals are documentary reviews in which no oral testimony is taken and no oral argument takes place. Generally, appeals are determined solely on the merits of the documents submitted. Appeals documents therefore should be as complete as possible.

Process When a Staff Member or Faculty Member is the Respondent. If the Title IX Coordinator determines that the Respondent has engaged in harassment, the Title IX Coordinator will send a memorandum of determination and all of the written documents pertaining to the case to the appropriate Vice President. The Title IX Coordinator's determination shall constitute a recommendation of a finding of prohibited harassment, and will include a recommendation concerning corrective action. The Vice President has the authority to request additional information, or to modify or accept the recommendations. The Vice President will collaborate with

the Director of Human Resources to implement and monitor corrective actions. The Title IX Coordinator will also notify the Complainant and the Respondent of the determination as to whether College policies were violated.

Appeals by Staff. The Complainant or Respondent may appeal the decision (in writing) to the President of the College. Using the same standard and process as students, the appeal must be made within five business days of the receipt of the Title IX Coordinator's decision to the Vice President. Within five business days of receiving the appeal, the President will either uphold the determination or return it to the appropriate Vice President and Title IX Coordinator for clarification and or modification. If the President upholds the Vice President and Title IX Coordinator's findings and corrective action, the Director of Human Resources in collaboration with the Vice President will enact and monitor sanctions imposed.

Appeals by Faculty. Once the Title IX Coordinator and investigators have completed the investigation and rendered a decision as to whether or not the policy has been violated and if so, the consequences for a violation, an appeal is possible. To do this the faculty member must file an appeal with the Faculty Hearing Committee within five business days of the decision. The Title IX Coordinator will submit all information gathered to the Faculty Hearing Committee. The Faculty Hearing Committee will have 14 business days to review the incident, meet with those involved and make a recommendation. This recommendation will be presented to the College President who, based on the information provided, will make the final decision regarding the resolution of the case.

## **VI. TIME FRAMES FOR INVESTIGATION**

The College is committed to investigating and resolving complaints of harassment, domestic violence, dating violence, stalking and sexual assault promptly. However, its ability to do so is closely related to the cooperation of the Complainant and Respondent and the witnesses they identify. Under normal circumstances, the College would expect to have the investigation and resolution of the complaint completed within approximately sixty (60) calendar days of the filing of the complaint unless at any point the Complainant agrees that a longer period of time would be appropriate or circumstances require it. Absent unusual circumstances, the timeline will typically be:

- Complaint filed; investigator assists and conducts interviews Complainant, Respondent, and relevant witnesses - 2 weeks
- Investigator submits results of investigation to Title IX coordinator; Title IX coordinator reviews investigation results and accepts them or requests additional investigation - 1 week
- Additional investigation (if required); Title IX investigator provides summary of investigation to Complainant and Respondent; gives them opportunity to respond to summary; reaches determination, notifies Complainant and Respondent of right to appeal - 2 weeks
- Respondent/Complainant appeal to vice president - 5 business days for submission, and 5 business days for final decision.
- Staff appeals to President – 5 business days for submission, and 5 business days for final decision.
- Faculty notify Faculty Hearing Committee of intent to appeal – 5 business days; Faculty Hearing Committee renders decision within 14 business days of

reviewing appeal.

**Burden of Proof:** The burden of proof in all campus conduct investigations including Title IX is “the preponderance of the evidence” standard - whether it is “more likely than not” that the sexual discrimination/harassment, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence meets this standard then the respondent must be found responsible.

**Extensions:** The College will endeavor to complete investigations and determine whether discipline or other actions are warranted within 60 days. However, if the complaint occurs at the end of an academic semester or at a time when the College is not in regular session, resolution of the complaint may take somewhat longer. Either the complainant or respondent may request an extension; the Title IX Coordinator will determine whether such a request is reasonable and determines how long the extension will be.

**Evidence:** The respondent and complainant may present witnesses and may produce other evidence for consideration by the Investigator. Evidence to be presented by the complainant and/or respondent during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The investigator may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The investigator will make the final decision relating to the admissibility of all evidence.

The Complainant and the Respondent will not be permitted to cross-examine each other. However, each party will have the opportunity to present a list of questions to be asked of the other by the Title IX investigator. Consistent with the College’s obligation to promptly resolve sexual misconduct complaints, the College reserves the right to proceed with any meeting or interview, regardless of the availability of either party’s selected Adviser. Student class schedules will be the only factor considered in scheduling meetings.

**Advisors:** The respondent and complainant may be supported during interviews and meetings related to the Title IX investigation by an advisor of their choice, provided that person is not expected to be a witness or participate in the proceedings in any manner other than “silent supporter.” The chosen advisor may be an attorney. To serve as an advisor, the individual will be required to meet with the Title IX Coordinator in advance of participating in a meeting to understand the expectations of the role, privacy, and appropriate decorum. No copies of written materials or any other evidence will be given to the advisor, although the parties may share such information with an advisor as necessary to assist them in the proceedings.

## **VII. CORRECTIVE AND/OR DISCIPLINARY ACTION**

If the determination reached is that the Respondent violated this Policy, the Title IX Coordinator will then determine the corrective action to be taken. Disciplinary action, up to and including discharge (or expulsion if the Respondent is a student), may be taken against a Respondent who violated the Policy.

Corrective and disciplinary actions for Respondents who are College employees will be determined on a case-by-case basis and may include but are not limited to:

- Participation in education sessions on harassment;
- A written reprimand;
- Reassignment of teaching, work or other responsibilities;
- Suspension without pay; or
- Termination

The Title IX Coordinator will initiate disciplinary action as soon as reasonably practicable, when in his/her judgment it is appropriate, and will attempt to take whatever steps are necessary to prevent the recurrence of the offending behavior and to correct its discriminatory effects on the Complainant and others, if appropriate.

Corrective and disciplinary actions for Respondents who are students will be determined on a case-by-case basis and may include but are not limited to:

- Changes in class schedule;
- Zero contact orders;
- Community service;
- Counseling;
- Disciplinary reprimand;
- Loss of privilege;
- Restitution;
- Disciplinary probation;
- Suspension; or
- Expulsion

Punitive actions will also be taken against third party persons found to have violated the tenets of this policy, and they will be dealt with on a case-by-case basis. Actions may include campus bans, filing of criminal charges, reassignment of contracted services personnel, termination of business agreements etc.

## **VII. INDEPENDENT COLLEGE ACTION**

The College reserves the right to investigate allegations of harassment or sexual assault in appropriate circumstances even in the absence of a complaint of harassment filed pursuant to the Complaint Process. The College may proceed under either the informal or formal resolution process. Nothing in this Policy is intended to abrogate any rights accorded faculty under the College's dismissal provisions included in the Faculty Handbook.

Any College investigation may or may not coincide with a law enforcement investigation regarding the harassment complaint. The College reserves its right to suspend the Title IX investigation while the police are gathering evidence; however, the College will continue its efforts to provide assistance and support to the Complainant while the police investigation is continuing. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or filing of charges) the College will promptly resume its independent investigation.

The College also reserves its right to take any interim action – such as a no-contact order or interim suspension of the accused – reasonably needed to protect the victim/survivor or the rest of the

campus community.

## **I. RETALIATION**

Retaliatory conduct against any individual who has filed a complaint of harassment, who has reported witnessing harassment, who has participated in the harassment complaint process, or who has been the subject of an investigation or the subject of a complaint of harassment and found not to have engaged in harassment is also a violation of the Policy and is grounds for discipline and/or remedial action. Anyone who believes that he/she may be or has been the victim of retaliation should discuss his/her concerns with the Title IX Coordinator.

## **II. FALSE ALLEGATIONS**

Knowingly making a material misstatement of fact may subject the Complainant to discipline. Anyone who believes that he/she has been the subject of a false complaint of harassment may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited harassment is not alone evidence of the intent to file a false complaint.

## **III. RECORD KEEPING**

All reports of harassment, whether a formal written complaint or an informal complaint, must be forwarded to the Title IX Coordinator by the management or supervisory personnel receiving the complaint. The Title IX Coordinator will maintain a record of all informal and formal complaints.

## **IV. CONSENSUAL RELATIONSHIPS**

Because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the College of Saint Elizabeth prohibits any employee of the College from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any currently enrolled student. Additionally, because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the College prohibits any member of the College community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee whom the person supervises or evaluates in any manner. This includes student workers who supervise other students as part of their campus employment responsibilities.

## **V. COMMITMENT TO AWARENESS AND RESPONSE TRAINING**

The College is committed to educating the campus community about sexual harassment and sexual misconduct through appropriate awareness and response training programs. The College provides regular sexual harassment awareness and response training programs for faculty, staff, student employees, Campus Security Authorities, Athletic Coaches, and Residence Life Staff members.

Bystander Intervention: The College expects all campus community members to take reasonable actions to prevent or stop an act of sexual misconduct. Bystanders can help in different ways including direct intervention, seeking assistance from an authority figure, notifying campus security, or calling the police. Campus education and training programs provided through a partnership with MorrisCARES help individuals recognize signs of sexual violence and when

sexual misconduct is taking place. If a bystander is able to intervene safely, without violence, then he/she should do so or should contact the police immediately. Individuals may also seek the assistance of a CA (Community Assistant), RC (Resident Coordinator) who has been trained by MorrisCARES on how to intervene and stop sexual misconduct/sexual violence. If a victim of sexual violence or sexual misconduct confides in a campus community member, he/she should listen respectfully and not criticize the victim's choices in any scenario. The bystander should ask the victim what they need to feel safe; bystanders do not assume that a roommate, partner, or family is safe. Bystanders should be supportive, kind, and non-judgmental to provide the victim the support in moving forward, and utilize on-campus and off-campus resources to help provide the victim with support resources.

Prevention Programs: The College offers several programs to prevent dating violence, domestic violence, sexual assault, and stalking that are relevant to the campus community. Students can find information about these programs in the Counseling Center or the Vice President for Student Life.

- Periodic, online sexual assault prevention program for students and employees;
- Mandatory in-person training as part of first-year Orientation programs for traditional undergraduates;
- Healthy Relationship Infusions - General Education Program;
- Safety Presentations;
- First Year/Transfer Awareness Programs - The College hosts campus-wide programming to increase education awareness surrounding the topics of violence prevention, safety, and incident reduction;
- Take Back the Night, a confidential awareness program providing a platform for campus community members to share personal stories as survivors, friends, and advocates;
- The Clothesline Project, a Jersey Battered Women's Services partnered program educating the campus community on domestic and dating violence;
- Denim Day, a program focused on raising awareness of sexual assault and violence against women and men;
- Anti-Bullying Week programs focused on dating violence, domestic violence, and sexual misconduct/violence.

Bystander Intervention: These programs and trainings offer safe options for campus community members to intervene on behalf of an individual to prevent harm or violence.

- Bystander Intervention Strategies, presented by MorrisCARES and the Safety Committee
- Inclusion of Bystander Intervention in the Orientation program for first-year traditional undergraduate students.

Ongoing Prevention & Awareness Campaigns: The College offers on-going programs and awareness campaigns designed to increase the level of understanding on topics such as acts of violence including dating, domestic, and sexual violence as well as stalking.

- Awareness and Prevention Tabling by the Counseling Center - The on-campus Counseling Center provides information to the campus community

throughout the year on dating violence, domestic violence, stalking, and sexual assault prevention and awareness.

Further information on sexual harassment and assault awareness, bystander intervention, and risk reduction can be found in the Counseling Center, Office of Human Resources, and the Office of the Vice President for Student Life.