

STOCKTON UNIVERSITY

PROCEDURE

***This procedure remains applicable to all matters of alleged sexual misconduct alleged to have occurred prior to August 1, 2024. Procedure 6941 Interim Procedure Prohibiting Sex-Based Discrimination and Sexual Misconduct, effective August 1, 2024, applies to all misconduct alleged to have occurred on or after August 1, 2024.**

Stockton University (the "University") is an academic community committed to providing a working and learning environment free from sexual misconduct including, but not limited to, sexual assault as defined by the Violence Against Women Act (VAWA), and rape, fondling, incest, statutory rape, dating violence, domestic violence, and stalking, as defined within the Annual Security Report and under the Clery Act and VAWA. The University also is committed to providing an environment free from other forms of sexual misconduct, as listed and defined in this

I. PROHIBITED CONDUCT AND DEFINITIONS

Sexual misconduct is a form of sex 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 harassment; sexual assault to include rape, fondling, incest, statutory rape; dating or domestic violence; stalking; and gender-based harassment.

- A. **Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation and includes rape, fondling, incest and statutory rape. 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
- B. **Rape** means 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 person's consent.
- C. **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- D. **Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- E. **Statutory Rape** means 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.
- F. **Sex discrimination** means conduct that denies or limits an individual's ability to benefit from, or fully participate in, educational programs or activities or employment opportunities because of an individual's sex, gender, or affectional or sexual orientation.
- G. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following: (a) unwelcome sexual advances; (b) requests for sexual favors; (c) other verbal or physical harassment of a sexual nature; (d) creating a hostile or offensive work environment; (e) creating a hostile or offensive educational environment.

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individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor.

P. Consent is an affirmative, conscious, informed and voluntary agreement to engage in research or a service. **14 CFR 171.14**

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discrimination, sexual harassment, or sexual misconduct), in person, by mail, by telephone, or electronic means. Once a report has been made, the Title IX Coordinator or the Coordinator's designee will meet with the aggrieved party and generate a Formal Complaint, which will begin the investigation process. Waiting to report an alleged incident of sexual misconduct may hinder an investigation and delay the University's ability to respond and take appropriate action.

A person can report sexual misconduct or sexual harassment against a student; a University employee or official; or a third party who is connected to the University but is not a University employee or student (e.g. a visiting speaker, contractor).

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Any person who wishes to file a Formal Complaint of sexual harassment, sex discrimination, or sexual misconduct must do so with the Title IX Coordinator, either in person, by regular or electronic mail, or by submitting an online Incident Report using the form listed on the "Culture of Respect" website.

Individuals have a right to supportive measures, with or without the filing of a Formal Complaint.

A. Reporting Options

The Title IX Coordinator

Any individual who learns of possible sexual misconduct should report it immediately to the Title IX Coordinator; **and all employees, except those designated Confidential, are required to report alleged incidents to the Title IX Coordinator or Deputy Title IX Coordinator.**

An employee who fails to comply with reporting obligations under this Procedu0 (s)10. (i)10mr

Contact the Title IX Coordinator if you:

- Have questions about Title IX and Stockton's response to sex/gender discrimination, sexual harassment, and other forms of sexual misconduct;
 - Have questions about sex/gender discrimination or sexual harassment, which is a form of sex/gender discrimination under the Federal Title IX regulations and State law;
 - ~~Need~~ guidance, assistance, or resourcebination
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of violence, whether the alleged perpetrator threatened further sexual misconduct or other misconduct against the Complainant or others, and whether the sexual misconduct was committed by multiple perpetrators). The factors considered also include an increased risk of future acts of sexual misconduct under similar circumstances (e.g., whether the Complainant's report reveals a pattern of perpetration at a given location or by a particular group), whether the sexual misconduct was perpetrated with a weapon, the age of the Complainant subjected to the sexual misconduct, and whether the University possesses other means to obtain relevant evidence (e.g., security cameras or physical evidence). If the University determines that it must disclose the Complainant's identity to an alleged perpetrator, it will inform the Complainant prior to making this disclosure.

IV. SUPPORTIVE MEASURES IN SEXUAL MISCONDUCT CASES

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to: protect the safety of all parties or the University's educational environment and workplace, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in housing locations, leaves of absence, temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management, increased security and monitoring of certain areas of the campus, and other similar measures. Depending on the situation, these measures may be provided on an interim or permanent basis.

The University will maintain as confidential any supportive measures provided to the or c[(w)nd ro(ep)10.e on cing

process, including the records that will be maintained or could be shared. At

encounter significant delay, the Title IX Coordinator or case

Not Responsible; or, (4) No Plea. Where a Respondent enters a plea other than Responsible, a live hearing will be held.

At least ten (10) business days prior to the live hearing, the parties and their respective advisors will be informed of the identity of the hearing Officer, and will receive the investigative report summarizing relevant evidence, in

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- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the Campus Conduct Code and/or applicable policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- vi. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The University will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

REFERRAL FOR SANCTIONS

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- e. The decision-maker(s) for the appeal will not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- f. The decision-maker(s) for the appeal will be compliant with the standards set forth in state law and federal regulations, regarding training and requirements, being free from bias and conflicts of interest, and maintaining impartiality;
- g. A written decision will be issued describing the result of the appeal and the rationale for the result; and
- h. The written decision will be provided simultaneously to both parties.

Student Appeals:

- (1) Student cases managed through the Office of Student Conduct have two levels of appeal.
 - i. Level One Appeals are reviewed and decided by a panel of 3 trained faculty or staff members.
 - ii. Level Two Appeals are reviewed and decided by the Vice President of wTj0iTj0

incidents of sexual misconduct, and those reporting incidents of discrimination, harassment or violence, are all afforded the same considerations for confidentiality and privacy, and protections against retaliation.

It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the

XI. RECORDS RETENTION

Records of the Title IX Office and its designee(s) created and maintained under this Procedure shall be retained indefinitely by the Title IX Office (in database, digital, and/ or paper form) unless destruction or expungement is authorized by the Title IX Coordinator, or in accordance with a duly executed and binding settlement of claim, and/or by court order.

Records of the Grievance-Resolution process under this Procedure shall be maintained in the Office of Student

