The Title IX Resource Guide was developed by:
The Office of Institutional Diversity and Equity
The Title IX Practitioners Group

Our gratitude for all the enduring support, encouragement, rich and deep discussions and practical contributions that made this Resource Guide possible.

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

Although Title IX is a comprehensive piece of federal legislation that covers several areas of Stockton, this Resource Guide specifically focuses on sex discrimination and sexual misconduct, the latter of which includes sexual harassment, gender-based harassment, and acts of sexual violence.


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

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

Title IX coverage extends to all Stockton facilities and programs including current locations in Galloway, Atlantic City, Woodbine, Manahawkin, and Hammonton.

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

Valerie O. Hayes, J.D., M.S.W.
Chief Officer for Institutional Diversity and Equity/Title IX Coordinator
L-214B A, 101 Vera King Farris Drive, Galloway NJ 08205-9441
Email Valerie.Hayes@stockton.edu | Phone 609-652-4695 | Fax 609-626-3535

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

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

To maintain an environment free from discrimination and harassment, Stockton strictly prohibits the conduct that is described in its policies prohibiting discrimination in the workplace and in the academic/educational environment, as well as in this Resource Guide. This means that Stockton reserves the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates these policies, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

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

STOCKTON’S COMMITMENT

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

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

- Continuing to foster and maintain a campus culture of reporting sex discrimination and sexual misconduct.
- Taking prompt interim steps to end sex discrimination and sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Making every effort to maintain confidentiality.
- Taking immediate steps to protect the complainant and the accused.
- Ensuring that issues and complaints are resolved in a timely manner.
- Providing effective assistance to individuals and to bystanders impacted by sexual violence and other forms of sexual misconduct.
- Offering individuals impacted by sexual violence and other forms of sexual misconduct confidential counseling, support services, and medical assistance to the extent that such services are offered by Stockton.
- Providing educational and training programs with the goal of raising awareness and preventing sex discrimination and sexual misconduct.
Fair and equitable treatment of students and employees must be given in all aspects of the campus and programs. Stockton must maintain policies, procedures and programs that do not discriminate against individuals because of their sex or gender.

NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM’S BILL OF RIGHTS

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. The New Jersey Campus Sexual Assault Victim’s Bill of Rights (NJSA 18A:61 E-1 et. seq.) articulates requirements for policies, procedures and services designed to insure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

PART II

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

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

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

Title IX protects all persons at Stockton from sex discrimination, sexual and gender-based harassment, and acts of sexual violence. According to the U.S. Department of Education’s Office of Civil Rights “any student can experience sexual violence: male and female students, straight, gay, lesbian, bisexual and transgender students, part-time and full-time students, students with and without disabilities, and students of different races and ethnicities, regardless of national origin, immigration status, or citizenship status.” (April 29, 2014 Questions and Answers on Title IX and Sexual Violence)

Sexual or gender-based harassment of students are forms of sex discrimination prohibited by Title IX. Additionally, Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change Stockton’s obligation to investigate and resolve allegations.

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

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

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

1 Please note also that the Rehabilitation Act of 1973, specifically Section 504 of the Act, as well as the Americans with Disabilities Act of 1990 prohibit discrimination against qualified persons with disabilities.
Quid Pro Quo
• Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing;
• Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or

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

See Appendix A for examples of sexually harassing behavior.

Behavior will be considered “unwelcome” if the individual did not solicit or invite it and particularly if the person indicates that they find the conduct undesirable. Acquiescence or failure to complain does not mean that the conduct is welcome. If, however, a student or employee actively participates in sexual banter or sexual discussions without giving an indication that the conduct is unwelcome, the “unwelcome” portion of the sexual harassment definition may not be met.

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

Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student’s ability to participate in or benefit from Stockton’s programs. Sometimes harassment of a student by an employee in the school’s program does not take place in the context of the employee’s provision of aid, benefits, or services, but nevertheless is sufficiently serious to create a hostile educational environment.

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

Sexual Violence
Under Title IX, sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the complainant’s incapacitation through the use of drugs or alcohol.

A number of different acts fall into the category of sexual violence, including dating violence, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. In this University Sex Discrimination and Sexual Misconduct Policy Handbook, an act of sexual violence is sexual misconduct.

Sexual violence is a crime – and while some survivors turn to the criminal justice system, others look to their schools for help or recourse.

Sexual violence can result in trauma to the complainant and other persons associated with the complainant. That can mean a number of things – from giving a complainant a confidential place to turn for advice and support, to effectively investigating and finding out what happened, to sanctioning the accused, to doing everything we can to help a survivor recover.

A single instance of sexual violence can constitute a hostile environment. Hostile environment is evaluated from the perspective of a reasonable person in the complainant’s position, considering all circumstances. In the educational context, hostile environment sexual harassment is sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a person’s ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

Every member of the Stockton community has a right to an environment void of coercion and assault. Anyone could be a potential sexual assault complainant; assaults can happen anywhere, at any time. The consequences are numerous, long lasting and painful.
A Glossary of Terms is contained in Appendix B.

**AFFIRMATIVE CONSENT**

Preventing sexual violence begins with mutual respect and understanding of consent to sexual activity.

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

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

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

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

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

The following are clarifying points:

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

**Incapacitation**

Incapacitated persons cannot give consent. One who is incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware, or otherwise helpless, is incapable of giving consent.
One must not engage in sexual activity with another whom one knows (or should reasonably know) to be incapacitated. Physically incapacitated persons are considered incapable of giving effective consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.

Examples of incapacitation include
- unconscious,
- sleeping,
- frightened,
- physically or psychologically pressured or forced,
- intimidated,
- threatened

Incapacitation can also result from
- a psychological health condition,
- voluntary intoxication,
- involuntary use of any drug, intoxicant or controlled substance

**GENERAL GUIDANCE FOR SEXUAL VIOLENCE COMPLAINANTS**

If you are a complainant of sexual violence:
- Get to a safe place.
- Do not bathe, shower, douche or change your clothes prior to reporting an assault to the police or seeking medical attention. This could greatly assist any investigation of the incident.
- It is recommended that you do not eat, drink, smoke, or urinate in order to preserve evidence.
- Get immediate medical attention for possible injuries, sexually transmitted diseases and pregnancy. A medical exam allows evidence to be collected by a Sexual Assault Nurse Examiner.
- Talk to someone you trust so that you are not alone.
- Believe in yourself. You are not to blame for someone else’s actions.
- Give yourself time to heal.
- Seek professional help.

**PLACES TO REPORT SEX DISCRIMINATION AND SEXUAL MISCONDUCT**

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

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

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

To Report Sex/Gender Discrimination
The Title IX Coordinator or any Deputy Title IX Coordinator can receive reports of sex/gender discrimination, as well as the Director of Human Resources.
To Report Sexual Misconduct

Students and employees who have been impacted by sexual misconduct are strongly encouraged to report the sexual misconduct early, before such conduct becomes severe or pervasive, so that Stockton can take steps to prevent the harassment from creating a hostile environment.

Any contact person listed below can receive reports of sexual misconduct which includes sexual assault and other forms of sexual violence. These persons coordinate Stockton’s response to incidents of sexual misconduct. Therefore, if you choose to do so, you need only contact one of these resources.

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<tr>
<th>Contact Person</th>
<th>Phone</th>
<th>Email</th>
<th>Office Location</th>
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<tbody>
<tr>
<td>Valerie O. Hayes</td>
<td>609-652-4695</td>
<td><a href="mailto:Valerie.Hayes@stockton.edu">Valerie.Hayes@stockton.edu</a></td>
<td>L-214</td>
</tr>
<tr>
<td>Chief Officer / Title IX Coordinator</td>
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</tr>
<tr>
<td>Diane Epps</td>
<td>609-652-4366</td>
<td><a href="mailto:Diane.Epps@stockton.edu">Diane.Epps@stockton.edu</a></td>
<td>L-214</td>
</tr>
<tr>
<td>Manager / Deputy Title IX Coordinator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amy L. Jones</td>
<td>609-652-4691</td>
<td><a href="mailto:Amy.Jones@stockton.edu">Amy.Jones@stockton.edu</a></td>
<td>F-107</td>
</tr>
<tr>
<td>Director / Deputy Title IX Coordinator (Students)</td>
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<td></td>
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<tr>
<td>Lonnie Folks</td>
<td>609-652-4877</td>
<td><a href="mailto:Lonnie.Folks@stockton.edu">Lonnie.Folks@stockton.edu</a></td>
<td>MRC-303D</td>
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<tr>
<td>Director / Deputy Title IX Coordinator (Athletics)</td>
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<tr>
<td>Thomas Chester</td>
<td>609-652-4589</td>
<td><a href="mailto:Thomas.Chester@stockton.edu">Thomas.Chester@stockton.edu</a></td>
<td>J-1151</td>
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<tr>
<td>Director of Human Resources</td>
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<th>Contact Person</th>
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<tr>
<td>Laurie Dutton</td>
<td>609-626-3611</td>
<td><a href="mailto:Laurie.Dutton@stockton.edu">Laurie.Dutton@stockton.edu</a></td>
<td>J-204</td>
</tr>
<tr>
<td>Director</td>
<td></td>
<td></td>
<td>(confidential resource)</td>
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<tr>
<td>Women’s, Gender, and Sexuality Center</td>
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<tr>
<td>Cynthia Parker</td>
<td>609-652-4390</td>
<td><a href="mailto:Cynthia.Parker@stockton.edu">Cynthia.Parker@stockton.edu</a></td>
<td>Building 71</td>
</tr>
<tr>
<td>Interim Chief, Campus Police</td>
<td></td>
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</tr>
<tr>
<td>Any Campus Police Officer</td>
<td>609-652-4390</td>
<td>For emergencies, 911</td>
<td>Building 71</td>
</tr>
<tr>
<td>Valerie O. Hayes</td>
<td>609-652-4693</td>
<td><a href="mailto:Valerie.Hayes@stockton.edu">Valerie.Hayes@stockton.edu</a></td>
<td>L-214B</td>
</tr>
<tr>
<td>Chief Officer /Title IX Coordinator</td>
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<tr>
<td>Diane Epps</td>
<td>609-652-4693</td>
<td><a href="mailto:Diane.Epps@stockton.edu">Diane.Epps@stockton.edu</a></td>
<td>L-214A</td>
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<tr>
<td>Amy L. Jones</td>
<td>609-652-4691</td>
<td><a href="mailto:Amy.Jones@stockton.edu">Amy.Jones@stockton.edu</a></td>
<td>F-107</td>
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<td>609-652-4877</td>
<td><a href="mailto:Lonnie.Folks@stockton.edu">Lonnie.Folks@stockton.edu</a></td>
<td>MRC-303D</td>
</tr>
<tr>
<td>Director / Deputy Title IX Coordinator (Athletics)</td>
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<tr>
<td>Office of Student Rights and Responsibilities</td>
<td>609-652-4691</td>
<td></td>
<td>F-107</td>
</tr>
<tr>
<td>Vice President for Student Affairs Office</td>
<td>609-652-4724</td>
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India Karavackas  
Director, Office of Global Engagement  
609-626-3537  
India.Karavackas@stockton.edu  
F-101k (for faculty and students on study abroad programs)

Residential Life Office  
609-652-4332  
A-100

Resident Assistants  
Contact information provided to residence by the Residential Life Office  
Any Residence Hall

Human Resources  
609-652-4589  
J-115

On-Campus Confidential Safe Places*

- Women’s, Gender, and Sexuality Center – J-204 | 609-626-3611
- Counseling Services in the Wellness Center – J-204 | 609-652-4722
- Health Services in the Wellness Center (Licensed Physicians and Nurses only) – WQ 108 | 609-652-4701
- Osprey Advocates (certified victim advocates) – contact the Atlantic County Women’s Center 24 Hour Crisis Hotline 609-646-6767

*Confidential means those safe places where a person impacted by sexual violence or other forms of sexual misconduct may share the incident with a licensed counselor, licensed physician, nurse, or certified victim advocate without having the person’s name reported to anyone else. For Clery Act reporting purposes, the Campus Police Department is informed of the incident but without revealing the person’s name. Also please note that campus office locations and phone numbers may change over time; however, these campus locations and phone numbers are current as of the dated publication of this policy.

Local Resources**

AtlantiCare Regional Medical Center, City Division (Atlantic City) | 609.344.4081
AtlantiCare Regional Medical Center, Mainland Division (Galloway) | 609.652.1000
Atlantic County Women’s Center/SART Team | 800.286.4184
Catholic Campus Ministry Center | 609.804.0200
Rape Abuse & Incest National Network (RAINN) | 800.656.HOPE (4673)
Women’s Center | 24 Hour Crisis Hotline 609.646.6767

**Local resources may have their own confidentiality standards.

INTERIM MEASURES

Stockton must take immediate steps to protect student complainants in the educational setting. The steps taken must be sufficient effective action to fully eliminate a sexually hostile or violent environment, prevent its recurrence, and address its effects. These duties are Stockton’s responsibility, regardless of whether a student has complained, asked the University to take action, or identified the harassment as a form of discrimination.

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

GOOD SAMARITAN

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

GOOD FAITH BELIEF IN REPORTING

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

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

RETAILATION PROHIBITED

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

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

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

REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT

Stockton University encourages complainants of sexual violence or other forms of sexual misconduct to talk to someone about what happened so complainants can get the support they need and the University can respond appropriately. Different employees on campus have different abilities to maintain a complainant’s confidentiality.

1. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Within the Wellness Center, only employees of the Women’s, Gender, and Sexuality Center, the Osprey Advocates who are certified victim advocates, employees of Counseling Services, and the licensed physicians and nurses in Health Services have the ability to maintain a complainant’s confidentiality.

2. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), 20 U.S.C. § 1092(f), some employees may talk to a complainant, and generally only report to the Campus Police Department that an incident occurred without revealing any personally identifying information, unless the complainant consents to revealing the name.
Talking to these employees about an incident will not trigger a police investigation into an incident against the complainant’s wishes. In this group are campus security authorities. See IIC for positions that have the campus security authority role, along with the Clery Act crimes they are to report to the Campus Police Department. Reports of sex offenses, which include sexual violence, must be reported to the Campus Police Department under the Clery Act; however, reports of sexual misconduct also must be reported by the campus security authorities to the Chief Officer/Title IX Coordinator under Title IX.

3. Some employees are required to report all the details of an incident (including the identities of both the complainant and accused) to the Chief Officer/Title IX Coordinator or a Deputy Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University — and generally obligates the University to investigate the incident and take appropriate steps to address the situation. All other employees not referenced in 1 above are in this group.

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

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

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

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

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

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

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

**Part III**

**Responsible Employees**

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

- Valerie Hayes, Chief Officer/Title IX Coordinator
- Diane Epps, Manager/Deputy Title IX Coordinator
- Amy L. Jones, Director/Deputy Title IX Coordinator (Students)
- Lonnie Folks, Director/Deputy Title IX Coordinator (Athletics)
- Campus Police Chief and Officers in the Campus Police Department
- Thomas Chester, Director of Human Resources

Offices that have the authority to take action to redress harassment are:

- Student Rights and Responsibilities
- Student Affairs
- Residential Life
- Human Resources

Employees who have the duty to report sex harassment or any other misconduct by students or employees are:

- All faculty
- All staff
- All administrators

Any employee who believes that they have been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment, is encouraged to promptly report the incident(s) to a supervisor or directly to the Chief Officer for Institutional Diversity and Equity or to any other persons designated by the University to receive workplace discrimination complaints, such as the Chief Officer/Title IX Coordinator, Manager/Deputy Title IX Coordinator, and Director of Human Resources.

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

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

Under Title IX, responsible employees include any employee who has the authority to take action to redress harassment, who has the duty to report sexual harassment or any other misconduct, or an individual who one could reasonably believe has this authority or duty, such as Resident Assistants who are responsible employees in this context.

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

Responsible employees must report “all relevant details” including (if known) the identities of the accused, the complainant, and other individuals involved, as well as the date, time, and location, and a brief description of the incident. Any responsible employee who receives a report of sexual violence must contact the Chief Officer/Title IX Coordinator either by email, phone, mail, in-person reports. Any resident assistant who receives a report of sexual violence must report it to his or her Complex Director. A Sexual Assault Incident Report Form, located in the Go Portal, is available for making such reports.

Anyone who has made a report or who otherwise believes that s/he has been subjected to sex discrimination and sexual misconduct is invited to provide the Chief Officer/Title IX Coordinator with any recommendations regarding ways to improve the effectiveness of the
NOTICE

Responsible employees and others who receive notice of an incident of sexual violence that occurs on or off campus that involves a member of the Stockton campus community must report it to the Chief Officer/Title IX Coordinator (609-652-4695 | Valerie.hayes@stockton.edu), a Deputy Title IX Coordinator, and/or the Campus Police Department, regardless of whether a formal complaint was filed. Once Stockton has notice of sex discrimination or sexual misconduct, it must take prompt interim steps to end the discrimination and sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

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

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

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

Administrative Response Protocol to Reports of Sexual Misconduct
Stockton’s administrative response protocol extends to all Stockton facilities and programs including current locations in Galloway, Atlantic City, Woodbine, Manahawkin, and Hammonton.

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

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

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

Office of Institutional Diversity and Equity
The Chief Officer/Title IX Coordinator, Valerie O. Hayes, who is located in the Office of Institutional Diversity and Equity, L-214, 609-652-4695 receives all Title IX reports and complaints, oversees complaint resolution through designated staff actions, identifies and addresses any patterns or systemic problem that arise during the review of Title IX reports and complaints. Supervises Title IX investigations conducted by designated administrative Title IX investigators.

The Chief Officer/Title IX Coordinator or designee must receive all reports and complaints of sexual misconduct, including the complainant’s name, for purposes of (1) ensuring that interim measures have been offered to the complainant, (2) identifying and addressing any patterns or systemic problems that arise, and (3) determining whether the complainant wishes to have the incident investigated, either administratively or criminally.

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

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

It should be noted that the crime of sexual assault has no statute of limitations, therefore, the Administrative Title IX Investigators will thoroughly document the actions they have taken during the administrative Title IX investigation.

Anonymous Reports
There are times when an anonymous report is made to the Chief Officer/Title IX Coordinator or to responsible employees. Anonymous reports occur when the person reporting the incident wishes to remain anonymous. Even when a report is received anonymously, all investigative leads shall be pursued and documented to satisfy the requirements of Title IX.

Outcome Shared with Complainant and Accused
The Chief Officer/Title IX Coordinator also receives the final outcome of the case where the matter is heard by the Campus Hearing Board. If the matter is not heard by the Campus Hearing Board, a written report of the investigation and its outcome is provided to the Chief Officer/Title IX Coordinator for discussion with the President.

Consistent with applicable laws, the final outcome of a Title IX investigation will be shared with those who need to know, including the complainant and the accused.

Office of Student Rights and Responsibilities
The Office of Student Rights and Responsibilities submits Sexual Misconduct Report to the Behavioral Intervention Team Chair. An anonymous report summarizing the event is forwarded to the Chair of the Behavioral Intervention Team whose responsibility is to catalogue the report and advise the Chief Officer/Title IX Coordinator.

File Campus Code of Conduct Complaint
Any individual may file a complaint of sexual misconduct with the Office of Student Rights and Responsibilities; however, the complaint will be investigated by Administrative Title IX Investigator assigned by the Chief Officer/Title IX Coordinator. After the investigation (or interim suspension decision) the campus conduct process will be initiated. The process is outlined in the Student Handbook. The complainant may choose to speak with and/or provide a statement to the Pre-Hearing Officer prior to the start of the conduct resolution process.
Conduct Process
The conduct process begins with the accused individual receiving notice of the alleged charge(s) being filed and the need for a Pre-Hearing Interview. During the Pre-Hearing Interview, the accused, or respondent, reviews the complaint and charges, the process, their rights and role in the process, and their options. The respondent will have a chance to enter a plea of responsible or not responsible to the charge(s). Pleas of responsible will typically be referred to the Dean of Students for sanctioning or may be referred to a Campus Hearing Board to review and recommend sanctions. Cases where a respondent fails to enter a plea or pleas not responsible will be referred to the Campus Hearing Board for adjudication.

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

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

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

Office of Human Resources
If an employee complainant makes a report of sexual misconduct to the Office of Human Resources (HR), HR will take the following steps in priority order:

1. Provide immediate assistance to the complainant or affected party:
   - Assess immediate health care needs by identifying health care options and ensuring the complainant is aware of the options to seek treatment for injuries and other health services; discuss the option of seeking medical treatment in order to preserve evidence.
   - Provide emergency numbers for on- and off-campus safety, law enforcement, and other first responders;
   - Identify and provide Employee Assistance Program resources and contact information for the trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation (e.g., obtain needed resources, explain reporting options, and help navigate the reporting process)
   - List locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a complainant to the hospital or health provider.

2. Report incidences of sexual misconduct to the Chief Officer/Title IX Coordinator or a Deputy Title IX coordinator for Title IX reporting purposes.

3. Report incidences of sexual misconduct, with the appropriate level of anonymity, to Campus Police for Clery Act reporting purposes.

4. If the reported incident involved potential employee misconduct, HR will investigate the matter in conjunction with the Chief Officer/Title IX Coordinator or designated Administrative Title IX investigator and make recommendation for employee discipline as appropriate.

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

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

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

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

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

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

Police investigations may be useful for fact-gathering; however, the standard for criminal investigations are different and police investigations or reports are not determinative of whether sexual violence violates Title IX and this policy. Unlike a criminal investigation that uses a beyond a reasonable doubt standard, a Title IX investigation is conducted under Stockton’s sexual harassment policy using the preponderance of the evidence standard. If a Stockton judicial hearing determines the accused committed an act of sexual violence, the penalty could include sanctions up to and including, academic and residential suspension and/or expulsion.

**Administrative Complaints and Hearings**

The Chief Officer/Title IX Coordinator oversees all Title IX reports and complaints.

The Office of Student Rights and Responsibilities (F-107, 609-626-3585) oversees the Campus Code of Conduct (Policy I-55 see also Student Handbook). All incidences involving students, whether as complainants or respondents, are processed through the Campus Hearing Board.

Complaints of harassment and other forms of prohibited discrimination are handled by the Office for Institutional Diversity and Equity (L-214, 609-652-4695).

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

**Resolution, Evidentiary Standard, and Time Frames**

Sexual misconduct complaints cannot be mediated or addressed through informal or alternative dispute resolution venues.

The standard used in determining whether the elements of the complaint against the accused have been demonstrated is the preponderance of the evidence.
Stockton must provide an adequate, reliable, and impartial investigation of complaints. Stockton must (1) determine whether the alleged conduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s educational program, i.e., creates a hostile environment; and (2) upon notice, take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. The alleged conduct must be evaluated from the perspective of a reasonable person in the alleged complainant’s position, considering all the circumstances. The more severe the conduct, the less the need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment (April 29, 2014 Questions and Answers on Title IX and Sexual Violence).

All complaints will be reviewed and prompt and appropriate remedial action or interim measures will be taken to address any substantiated claim. Stockton seeks to resolve all reports of sex discrimination and sexual misconduct within sixty (60) days. All expressed time frames are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extensions beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and the accused can expect that the process will proceed according to the time frames provided in the policies and procedures prohibiting discrimination in the academic/education environment and the workplace. In the event that the investigation and resolution exceed the expressed time frame, Stockton will notify all parties to the complaint of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

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

### Part VI

#### DESIGNATED TITLE IX COORDINATORS AND TITLE IX INVESTIGATORS

The President of Stockton University has designated Valerie O. Hayes, Chief Officer for Institutional Diversity and Equity as Stockton’s Title IX Coordinator (L-214, 101 Vera King Farris Drive, 609-652-4695, Valerie.Hayes@stockton.edu). The Chief Officer/Title IX Coordinator role entails active oversight and involvement in the implementation of Title IX to ensure that Stockton adheres to the requirements of Title IX and responds to allegations of sex discrimination and sexual misconduct in accordance with Stockton policy, procedure, and protocol.

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

- Overseeing and receiving all Title IX reports and complaints, overseeing complaint resolution through designated staff actions
- Identifying and addressing any patterns or systemic problems that arise during the review of Title IX reports and complaints.
- Ensuring individuals impacted by sexual violence receive information on resources, on reporting the misconduct, and on accommodations to academic, housing, transportation, work, and any medical or mental health treatment and counseling.
- Reviewing all policies, procedures and codes pertaining to sex discrimination and sexual misconduct to ensure consistency and compliance.
- Reviewing the quality, content, and documentation of all campus Title IX education and training, as well as documenting the distribution and delivery of all prevention and awareness campaigns such as literature, brochures, etc.
- Evaluating requests for confidentiality, outside of the confidentiality provided by the confidential reporting resources, in light of Stockton’s responsibility to provide a safe and nondiscriminatory environment for all students and the University community.
- Ensuring interim measures are taken to protect complainants of sexual misconduct.

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• Overseeing administrative fact-finding, as needed, into allegations of sex discrimination and sexual misconduct involving students as either complainants or respondents.

• Overseeing complaints of prohibited discrimination under Stockton’s Policy VI-28 Prohibiting Discrimination in the Workplace, including those involving retaliation.

• Handling complaints of harassment by third parties.

• Sending Title IX nondiscrimination notices to all students and employees in the fall and spring semesters.

• Ensuring nondiscrimination notices are prominently posted on the office’s website, at various locations on campus, and in electronic and printed publications for general distribution and included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials.

• Working with the Director of Student Rights and Responsibilities, who is also the Deputy Title IX Coordinator (Students), in tracking reports of sexual misconduct.

• Overseeing the development, administration, and analysis of a Title IX campus climate survey.

• Chairing Stockton’s Title IX Practitioners Group, a Presidentially-appointment group.

• Receiving inquiries concerning Title IX and its implementing regulation.

• Overseeing other Title IX activities as they arise including, but not limited to, coordinating the investigation of any resulting complaints filed with the U.S. Department of Education’s Office for Civil Rights.

At the request of the Chief Officer/Title IX Coordinator, the President of Stockton University also appointed Deputy Title IX Coordinators who assist the Title IX Coordinator in ensuring that Stockton addresses its Title IX responsibilities.

• Diane Epps, Manager for Institutional Diversity and Equity, is the Deputy Title IX Coordinator in the Office for Institutional Diversity and Equity (L-214, 101 Vera King Farris Drive, 609-652-4695, Diane.Epps@stockton.edu). She assists the Chief Officer/Title IX Coordinator with various Title IX implementation activities that involve faculty, staff, and students. She receives reports of sex discrimination and sexual misconduct. She also is a designated administrative Title IX Investigator responsible for investigating complaints of sex discrimination and sexual misconduct.

• Lonnie Folks, Director of Athletics, is the Deputy Title IX Coordinator (Athletics) (MRC-303D, 101 Vera King Farris Drive, 609-652-4877, Lonnie.Folks@stockton.edu). He primarily assists the Chief Officer/Title IX Coordinator in Stockton’s compliance efforts regarding gender equity in Athletics. He receives reports of sex discrimination and sexual misconduct and provides information to student athletes and coaches about Title IX, raising awareness about sexual misconduct and its prevention.

• Amy L. Jones, Director of Student Rights and Responsibilities is the Deputy Title IX Coordinator (Students) (F-107, 101 Vera King Farris Drive, 609-652-4691, Amy.Jones@stockton.edu). She assists the Chief Officer/Title IX Coordinator in overseeing the collection of and response to Title IX reports of sex discrimination and sexual misconduct received by or about students. She also oversees the Campus Code of Conduct, providing complainants and respondents with information about the Code, the Campus Hearing Board process, and resources. She may assist in the design and delivery of education programs about Title IX, raising awareness about sexual misconduct and its prevention. In consultation with the Chief Officer/Title IX Coordinator, she may assist in other aspects of implementing Title IX.

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

**TITLE IX PRACTITIONERS GROUP**

The Title IX Practitioners Group assists the Chief Officer/Title IX Coordinator in monitoring and ensuring Stockton-wide compliance with Title IX. The Title IX Practitioners Group is largely comprised of individuals who have direct responsibility for the administrative response to reports of sexual misconduct or who have other Title IX related responsibilities. All members of this group are appointed by the President of Stockton University.

- Valerie Hayes, Chief Officer/Title IX Coordinator
The Intersection of Title IX and Clery

Title IX and Clery intersect in incidents involving sexual violence.

Acts of sexual violence are prohibited under Title IX, VAWA/Campus SaVE that amended the Clery Act, and Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322.

The Clery Act

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

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

Campus Security Authorities

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

Annually and in writing, the Police Chief notifies Stockton individuals of their designation as CSAs. Individuals holding the following positions are identified as CSAs:

| Campus Law Enforcement and Security Officers | On-Call Residential Life Staff |
| Contract Event Officers and Contract Security Officers | Student Development Event Coordinators |
CSAs must report Clery Act crimes, which include acts of sexual violence, to the University Police Department. Clery Act crimes are enumerated below.

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

For Clery Act reporting purposes, if a complainant discloses an incident of sexual assault or other forms of sexual violence to a staff or faculty member or to a student worker a report must be made to the Campus Police Department in order to comply with campus safety laws; however, the complainant’s anonymity is of highest priority and the complainant’s name will not be disclosed or in any way be connected to the report.

**Federal Timely Warning Requirement**

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

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

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

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

Complaints about third parties should be reported to the Chief Officer/Title IX Coordinator, K-204 A, 101 Vera King Farris Drive, Galloway NJ 08205-9441 | Email: Valerie.Hayes@stockton.edu | Phone: 609-652-4695 | Fax: 609-626-3535.

Education and Prevention Programs

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

Stockton shall provide all new employees and new students with information on the policies and procedures referenced in this Resource Guide within a reasonable period of time after each new employee’s appointment date or a student’s arrival to campus for his or her first semester. Refresher training is provided to all employees, including supervisors, and students on a regular basis through online education. Stockton also provides supervisors with training on a regular basis regarding their obligations and duties under the referenced policies and procedures. Stockton also provides students with information regarding Title IX, as well as the prevention of prohibited discrimination/harassment, and the procedures to be followed in filing complaints.

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

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

APPENDIX A

Examples of Sexually Harassing Behavior

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

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

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

APPENDIX B

Glossary of Terms

**Accused** is a student who is alleged to have violated the Campus Code of Conduct, the Sexual Assault Policy within the Student Handbook, and/or Policy Student Policy Prohibiting Discrimination in the Academic/Educational Environment (I-120). The accused is considered a party to a complaint.
Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity that is ongoing throughout a sexual activity and can be revoked at any time.

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

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

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

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

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

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

Respondent is an employee, campus visitor or guest whose behavior or conduct is alleged by the complainant to have violated Stockton’s Campus Code of Conduct, Student Policy Prohibiting Discrimination in the Academic/Education Environment (I-120), and/or Policy Prohibiting Discrimination in the Workplace (VI-28).

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

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing;
- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic/work performance or creating an intimidating, hostile or offensive academic/work environment.
Sexual misconduct is a term used in this Resource Guide to capture sexual and gender-based harassment, as well as sexual violence. The term does not include sex discrimination which is conduct that denies or limits an individual’s ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual’s sex.

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

A. Dating violence means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. This act of sexual violence is similarly defined under the Violence against Women Act of 1994.

B. Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. This act of sexual violence is similarly defined under the Violence against Women Act of 1994.

C. Rape and Sex Offenses means sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the complainant is incapable of giving consent.

D. Sexual assault means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

E. Sexual battery means the unauthorized, non-consensual touching or penetration of an unwilling person.

F. Sexual coercion means an act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will; persistent attempts to have sexual contact with someone who has already refused.

G. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. This act of violence is similarly defined under the Violence against Women Act of 1994.

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