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## **ADMINISTRATIVE RESPONSE PROTOCOL TO REPORTS OF SEXUAL MISCONDUCT**

This administrative response protocol extends to all Stockton facilities and programs, both domestic and abroad, including current locations in Galloway, Atlantic City, Woodbine, Manahawkin, and Hammonton.

### **Residential Life Office**

**A-100, 609-652-4332**

If a Resident Assistant (RA) becomes aware of a sexual assault or other forms 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 duty and implement the sexual misconduct protocol.

### **Campus Police Department**

**Building 71, 609-652-4390 (for emergencies, 911)**

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.

Please reference the [New Jersey Statutes –Title 2C The New Jersey Code of Criminal Justice Section 14](#) for a better understanding of the statutes pertaining to sexual assault and sexual violence. It is important to note that the criminal justice system may use different

definitions, procedures, and burden of proof than the University when handling similar violations.

### **Office for Institutional Diversity and Equity**

**L-214, 609-652-4693**

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, and supervises Title IX investigations conducted by designated administrative Title IX investigators.

The Chief Officer/Title IX Coordinator 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**

With the exception of Counseling Services in the Wellness Center, licensed physicians and nurses in the Wellness Center, the Women's, Gender and Sexuality Center, and Osprey Advocates who are certified victim advocates (see confidential safe places listed in this Notice), Stockton considers all employees 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 who are responsible employees in this context.

The Chief Officer/Title IX Coordinator, or designee, 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 Office/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 investigation at the request of the County Prosecutor's Office while the police are gathering evidence but will promptly resume and complete its administrative 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.

#### Third Party Harassment

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

### **Office of Student Rights and Responsibilities**

**F-107, 609-652-4691**

#### Submits Sexual Misconduct Report to 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 pleads 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

**Campus Center, Suite 243, 609-652-4645**

The Dean of Students makes interim suspension decisions, either completely, in a specified manner, or to not interimly 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

**J-115, 609-652-4384**

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

**F-101q, 609-626-5532**

The Office of Global Engagement advises all students participating in the study abroad programs 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.

### **Campus Security Authorities**

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.

### **Faculty and Staff**

With the exception of Counseling Services in the Wellness Center, licensed physicians and nurses in the Wellness Center, the Women's, Gender, and Sexuality Center, and Osprey Advocates who are certified victim advocates (see confidential safe places listed in this Notice), Stockton considers all employees 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.