

Victim Notification

OF RIGHTS AND OPTIONS WHILE ATTENDING STOCKTON UNIVERSITY

Stockton University is committed to providing a safe learning and working environment. In compliance with federal laws, policies and procedures have been adopted to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking involving members of our campus community. These guidelines apply to all students, faculty, staff, contractors and visitors, and they are required to be provided to victims of crime.

What is Consent?

When it comes to sex, silence is not consent.

Flirting is not consent.

Being in a relationship is not consent.

Consent for one thing is not consent for everything.

Dressing in sexy clothing is not consent.

Having had sex before is not consent now.

Being too drunk or high to say no is not consent.

Being passed out is not consent.

If a person is underage, it is not consent.

Being afraid to say no is not consent.

Making out is not consent.

Going into a bedroom is not consent.

"Maybe" is not consent.

"No" is not consent.

Sexual activity without consent is sexual assault.

Consent is a voluntary, conscious and mutual agreement to engage in sexual activity.

Only "Yes" is consent.

*A **SEXUAL ASSAULT** is any 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 victim is incapable of giving consent, as well as incest or statutory rape. **DOMESTIC VIOLENCE** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. **DATING VIOLENCE** means violence committed by a person who is or has been in a romantic or intimate relationship with the victim. **STALKING** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.*

ON-& OFF-CAMPUS RESOURCES

Both Stockton University and our local community offer important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. Most of these resources are free of charge to the victim. A victim need not make a formal report to law enforcement or Stockton University to access these resources that include the following:

On-Campus Resources

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| <p>Women's, Gender & Sexuality Center J-204, 609-626-3611 24 hour- 609-849-8473 <i>(will activate SANE if victim desires, Title IX advocacy, Accommodations)</i></p> | <p>Stockton University Police Dept. (across from North Lot), 609-652-4390 <i>(investigates criminal acts, assist with Restraining Orders)</i></p> | <p>Community Wellness & Health Education West Quad 108, 609-652-4701 <i>(STD/HIV testing available)</i></p> |
| <p>Title IX Coordinator Office of Institutional Diversity and Equity (OIDE)/ Title IX Office L-214, 609-652-4693 <i>(coordinates school investigations into allegations of discrimination)</i></p> | <p>Office of Student Rights & Responsibilities F-107, 609-626-3585 <i>(Hearings/Accommodations)</i></p> | <p>Residential Life Housing II, A-100, 609-652-4332; Housing IV 82-4, 609-652-4697</p> |
| <p>Office of Financial Aid Campus Center Suite 201, 609-652-4203</p> | <p>Counseling Services J-204, 609-652-4722</p> | <p>Human Resources J-115, 609-652-4384 <i>(for employees and employee-related matters),</i></p> |
| <p>Office of Military & Veteran Services F-109, 609-652-4315</p> | <p>Learning Access Program J-204 609-652-4988 <i>(Provides accommodations)</i></p> | <p>Dean of Students Campus Center, Suite 243 609-652-4645</p> |

Off-Campus Resources

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| <p>AVANZAR (Atlantic County) (formerly The Women's Center) 1201 New Rd, Suite 240, Linwood, 1-800-286-4184 (24-hour hotline), www.avanzarnow.org <i>(will activate SANE if victim desires, court advocacy, supportive counseling)</i></p> | <p>Galloway Township Police Dept. 300 E Jimmie Leeds Road, Galloway, 609-652-3705 <i>(investigates criminal acts, assists with Restraining Orders)</i></p> | <p>Atlantic Co. Prosecutor's Office, Victim-Witness 609-909-7850, <i>(upon completion of Sexual Assault kit and/or criminal complaint)</i></p> |
| <p>Atlantic City Police Dept. 2715 Atlantic Avenue Atlantic City, NJ 08401 609-347-5780 <i>(investigates criminal acts, assists with Restraining Orders)</i></p> | <p>AtlantiCare Regional Medical Center, City Division, 1925 Pacific Ave, Atlantic City, 609-344-4081 Psychiatric Intervention Program 609-344-1118 <i>(SANE Exam Location)</i></p> | <p>AtlantiCare Health Park 219 N White Horse Pike, Hammonton, 609-704-3360 <i>(SANE Exam Location)</i></p> |
| <p>AtlantiCare Regional Medical Center Mainland Division 65 W. Jimmie Leeds Rd, Galloway 609-652-1000 <i>(SANE Exam Location)</i></p> | <p>Shore Medical Center 100 Medical Center Way, Somers Point, 609-653-3500 <i>(SANE Exam Location)</i></p> | <p>Coalition Against Rape and Abuse (CARA) Cape May Co. 1-877-294-2272 <i>(court advocacy, supportive counseling)</i></p> |
| <p>South Jersey Legal Services 1-800-496-4570, 1300 Atlantic Avenue, Atlantic City, 609-348-4200</p> | <p>US Dept. of Homeland Security, Citizenship and Immigration Services, 800-375-5283</p> | <p>Campus Religious Council campusreligiouscouncil@gmail.com; Catholic Campus Ministry Center, 609-804-0200</p> |
| <p>National Suicide Prevention Lifeline 1-800-273-8255</p> | <p>NJ Department of Family and Community Development, 1333 Atlantic Ave, Atlantic City 609-348-3001</p> | <p>Stalking Resource Center, National Center for Victims of Crime, Washington, DC ncvc.org/src</p> |
| <p>Mental Health Association 4 E Jimmie Leeds Rd, Galloway 609-652-3800</p> | <p>Veteran's Services Crisis Hotline 1-800-272-8255</p> | <p>Trevor Lifeline (LGBTQ specific crisis line) 1-866-488-7386 or text START to 678678</p> |

The Sexual Assault Exam: Explained

Reporting to law enforcement is a personal decision, and is encouraged by the University.

However, if you are uncertain about reporting an incident of sexual assault to law enforcement, you may still have evidence collected by a specially trained Sexual Assault Nurse Examiner (SANE), at certain local hospitals, for up to approximately five days after an assault. You have the right to agree to all or parts of the exam, or can decline to have a kit completed.

A trained “Osprey Advocate” from AVANZAR will meet you at the hospital to accompany you through the examination process. Although you may also decline the free services of an advocate, we strongly encourage someone to be with you to help provide support during this time and answer any questions you may have about the process.

An examination is conducted using specialized equipment; any physical evidence will be collected, photographs of injuries taken and information regarding the assault will be logged.

The SANE will secure any evidence in a sexual assault examination kit, which will then be sealed and turned over to the Atlantic County Prosecutor’s Office. The kit will be transferred to local law enforcement if you decide to report and proceed with a criminal investigation, or it will be held for a specific period of time, which is determined by the NJ Office of the Attorney General (currently a minimum of five years), and then may be disposed if you decline to report to law enforcement.

The examination kit is completed at no cost to you.

WHAT IS AN OSPREY ADVOCATE?

Advocates are professionally trained to support victims of crime. Advocates do not give advice, but rather inform victims of their options, give information, emotional support, and help in finding resources and filling out paperwork. Advocates may also go to interviews and hearings with victims. Advocates may contact departments, such as the Title IX office, Student Rights or Stockton University Police, to get help or information for victims. Some advocates staff the WGSC, run support groups, secure accommodations, or provide in-person counseling to the victim. Victim Advocates at Stockton University are called, “**Osprey Advocates**” and you are encouraged to have one! Please call the WGSC at 609-626-3611 or make an appointment in J-204 to meet with one. (adapted from victimsofcrime.org)



Procedures Victims Should Follow For Evidence Collection

If you are the victim of sexual assault, domestic violence, stalking or other crime, it is important that any evidence is preserved and a chain of custody established as soon as possible. Preserving evidence may help prove an offense of sexual assault, domestic violence, stalking or other crime occurred, and may be used to establish the need for a restraining order or no contact order. Some suggestions:

- Avoid cleaning your body in any way such as taking a shower, bathing, douching, washing your hands, combing your hair or brushing your teeth. This will help maintain any potential evidence that may contain DNA such as semen, blood, hair or other bodily fluids, as well as fibers, particles, etc.
- Do not urinate, especially if you suspect you were given a drug to incapacitate you; if it is **urgent** that you do, attempt to collect urine in a clean container. Certain drugs leave the body quickly and urine should be collected as evidence as soon as possible. Urine should be refrigerated. Do not use toilet paper to clean yourself afterward.
- Do not change your clothes, but if you must, put **all** of the clothing you were wearing at the time of the assault or crime in clean **paper** (no plastic) bags or envelopes, preferably separately, and bring the bag(s) with you to the hospital or police department. Allow clothing to air dry prior to bagging and do not allow anyone else to handle the items. The hospital can provide you with alternative clothing or you can have someone bring you clothing.
- Do not clean or alter the crime scene in any way to preserve any additional evidence such as bedding, used condoms, condom wrappers, cigarette butts, drink containers, receipts, suspect clothing or any other objects/items that may have been used during the crime. Do not touch anything at the scene!
- Preserve any photographic or other electronic evidence, even if you feel it is not important or relevant to the crime. Telephone calls, voicemails, e-mails, text messages, videos, photographs and other social media communications can be used to establish a timeline and assist with recall.
- Take photographs of any injuries, to include a full photograph of the person whose injuries are being documented. Take photographs of property damage, to include a photograph of individual items, the entire room where the damage is located, the outside of the residence where the photographs are being taken, etc. Copy or screenshot anything on a telephone, computer, tablet, etc. that may be removed and destroyed.
- Consider changing passwords and PIN numbers, **if previously shared**, so no one can access your phone, websites, storage clouds, accounts, etc. Be sure to keep these new passwords in a safe and secure location.
- Jot down notes to assist with future recall.

If you have any questions about the preservation of evidence, please contact the Stockton University Police Department at 609-652-4390.

A Sexual Assault Nurse Examiner (SANE) is a Registered Nurse who has received special training so that s/he can provide comprehensive care to sexual assault victims. In addition, s/he is able to conduct a forensic exam and may provide expert testimony if a case goes to trial.

The Sexual Assault Response Team (SART) is a community-based team that coordinates the response to victims of sexual assault. The team may be composed of SANEs, hospital personnel, sexual assault victim advocates, law enforcement, prosecutors, judges, and any other professionals with a specific interest in assisting victims of sexual assault.

(taken from rainn.org)

Restraining, protective and no contact orders

In certain situations, you may apply for a temporary restraining order (TRO), which is designed to protect a victim of domestic violence. You can apply for a restraining order Monday through Friday from 8:30 AM until 3:30 PM, by appearing in person at the Domestic Violence Unit of the Superior Court, Family Division, in the appropriate county*. You may also apply for a restraining order at a police department in emergent situations, during hours when courts are closed. You can apply at a police department in the jurisdiction where the domestic violence occurred, where the suspect resides, where you reside or where you are sheltered or temporarily staying. Stockton University Police can assist you with determining where to make a report, depending on the specifics of your case. A hearing for the issuance of a final restraining order (FRO) is generally held within ten days after the issuance of a TRO. A restraining order may be issued without the signing of a criminal complaint.

A no contact order, for non-domestic situations, may be issued by a Judge upon the authorization of a criminal complaint. You must request this at the police department that generates the criminal complaint.

SEXUAL ASSAULT SURVIVOR PROTECTION ACT

The Sexual Assault Survivor Protection Act of 2015 provides that a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who does not fit the definition of a “victim” under the Prevention of Domestic Violence Act, may apply for a temporary protective order against the alleged perpetrator of such act(s).

If a temporary protective order is granted, it remains in effect until a final protective order hearing is held, typically within ten days of the issuance of the temporary order. A protective order may prohibit the alleged perpetrator from: committing or attempting to commit any future act of nonconsensual sexual contact, sexual penetration, or lewdness against the victim; entering the residence, property, school or place of employment of the victim; having any contact with the victim or others (contact includes personal, written, telephone or other electronic means). The order may also provide other relief as deemed appropriate.

Application for a temporary protective order may be made Monday through Friday from 8:30 AM until 3:30 PM, by appearing in person at the Superior Court, Family Division, in the appropriate county*. Application may be made in a court having jurisdiction over the place where the alleged conduct or attempted conduct occurred, where the defendant resides, or where the victim resides or is sheltered.

***In Atlantic County, where Stockton University is located, you may apply for restraining orders or temporary protective orders at the Superior Court, Family Division, 1201 Bacharach Boulevard, Atlantic City, NJ, 609-345-6700. Contact information for all county courts in NJ can be found here: njcourts.gov/courts/vicinages/county.html.**

Restraining orders, no contact orders and other protective orders shall be valid throughout the state and shall be enforced by all law enforcement officers.

Definition

“Victim of Domestic Violence” – a person protected by the Prevention of Domestic Violence Act (PDVA) and includes any person:

A. Who is 18 years of age or older, **or** who is an emancipated minor, **and** who has been subjected to domestic violence by:

- Spouse or former spouse
- Any other person who is a present or former household member, **or**

B. Who, regardless of age, has been subjected to domestic violence by a person:

- With whom the victim has a child in common, or
- With whom the victim anticipates having a child in common, if one of the parties is pregnant, or

C. Who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

What are my Reporting Options under Title IX?

Your safety and mental health are most important and you have options regarding making a report. Stockton University will take all necessary precautions to protect your identity and will never identify you in publicly available information, such as the campus Crime Log, Clery Annual Security Reports and/or warnings sent out to the campus community.

Should you choose to make a report to law enforcement, Stockton University authorities will comply with any request for assistance in notifying the proper law enforcement agency, whether it be University police or a local police agency. Reporting to law enforcement generally involves a formal fact-finding interview, collection of evidence, witness and suspect interviews, and possibly criminal complaints, depending your particular case. You may have an advocate of your choosing with you during the process.

Should you decide to make a Title IX complaint, non-confidential reports can be privately taken by Stockton University Police Department, or a Responsible Employee such as, the Office of Institutional Diversity & Equity (OIDE), the Office of Student Rights & Responsibilities (OSRR), the Office of Residential Life, or Human Resources. You may have an advocate of your choosing with you during the process (Osprey Advocate, friend, family member, teacher, colleague etc.)

Responsible employees 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 Title IX Coordinator.

At Stockton, all employees are responsible employees unless they have confidentiality. However, some employees are allowed to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Staff of the Women’s, Gender, and Sexuality Center (WGSC), Osprey Advocates, Counseling Services, and the licensed physicians and nurses in Health Services are not considered to be Responsible Employees and have the ability to maintain a complainant’s confidentiality. Speaking with a confidential resource will not trigger a Title IX and/or criminal complaint, unless the victim wants to move forward with a case.

If you are unsure whether reporting is best for you, contact an advocate (WGSC 609-626-3611/ Avanzar 1-800-286-4184) to go over all your options.

"You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until now." — Anonymous

Stockton University Complaint Resolution Processes

The Title IX process will be prompt, fair and impartial from the initial investigation to the final result. You will be provided with timely notice of any meetings and proceedings and have equal access to all information. Processes will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Complaints against students go through the student conduct process. Complaints involving sexual misconduct are administratively investigated by the Office of Institutional Equity and Diversity (OIDE), with the evidence provided to the Office of Student Rights and Responsibilities (OSRR) for processing through the Campus Hearing Board (CHB). Complaints against employees are handled by the OIDE under the Policy Prohibiting Discrimination in the workplace.

Following a Title IX Administration Investigation, students have the right to pursue resolution through the CHB disciplinary process and/or the use of the University's Mediation and Problem Solving (MAPS) program.

The disciplinary proceeding utilized for violations of dating violence, domestic violence, sexual assault and stalking is the CHB. You may have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied by an advisor and/or an advocate of your choice to any related meeting or proceeding.

Stockton University uses the 'preponderance of the evidence' standard to decide CHB cases. If the student respondent is found guilty of a violation involving sexual assault, dating violence, domestic violence or stalking, possible sanctions include community service, suspension and expulsion. The parties are notified, in writing, of the result of any disciplinary proceeding, procedures to appeal the result, any change to the result, and when the result becomes final.

A mediation can only occur if all parties voluntarily decide (without coercion) and are willing to engage in mediation. Mediation does not eliminate a victim's right to file a complaint for either a criminal or administrative investigation, nor the right to consult an attorney.

For more information on resolutions through either the disciplinary process and/or mediation, you may also contact the OSRR, F-107, 609-626-3585, or complete the request form found on the OSRR website. Questions that involve employees can also be directed to the Office of Human Resources, J115, 609-652-4384.

Stockton will make good faith efforts to complete the investigative and adjudicative processes within 60 calendar days, provided doing so does not compromise the University's ability to conduct a fair, impartial, and thorough investigation and adjudicative process. The resolution period may extend beyond 60 calendar days in complex cases, or where other circumstances necessitate additional time to investigate, adjudicate or otherwise resolve the matter

Accommodations under Title IX

You are entitled to all available **INTERIM MEASURES**, whether you choose to involve law enforcement or have a school investigation and regardless of who you choose to tell.

Accommodations may include, Stockton cease and desist order (no contact order), changes in housing, the classroom and at work, campus bans, and other accommodations intended to empower the victim as they continue with their education. All accommodations will be kept confidential, as long as it does not limit the University's ability to provide them. If the University is required to share information to make an accommodation, you will be notified of why, what information and to whom, prior to the sharing.

Students may contact the Women's, Gender & Sexuality Center (WGSC) in J-204 at 609-626-3611 and/or the Office of Student Rights & Responsibilities (OSRR) in F-107 at 609-626-3585. Employees should contact Human Resources (HR) at x4384.

For questions regarding this resource document, please contact the Clery Compliance Coordinator, Ro Latoracca, at 609-652-4390 or ext. 5989 on campus.

NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the college community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. Respect for the individual and human dignity is of paramount importance in creating a community free from violence, sexual assault and non-consensual sexual contact.

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate 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

NJSA18A:61E-1 et.seq.:

The following Rights shall be accorded to victims of sexual assault that occur:

- on the campus of any public or independent institution of higher education in the State of New Jersey, and
- where the victim or alleged perpetrator is a student at that institution, and/or
- when the victim is a student involved in an off-campus sexual assault.

HUMAN DIGNITY RIGHTS

- to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy
- to have any allegations of sexual assault treated seriously; the right to be treated with dignity
- to be free from any suggestion that victims are responsible for the commission of crimes against them
- to be free from any pressure from campus personnel to:
 - report crimes if the victim does not wish to do so
 - report crimes as lesser offenses than the victim perceives the crime to be
 - refrain from reporting crimes
 - refrain from reporting crimes to avoid unwanted personal publicity

RIGHT TO RESOURCES ON AND OFF CAMPUS

- to be notified of existing campus-and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities
- to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling
- to be informed of and assisted in exercising:
 - any rights to confidential or anonymous testing for sexually transmitted diseases. Human immunodeficiency virus and/or pregnancy
 - any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases

CAMPUS JUDICIAL RIGHTS

- to be afforded the same access to legal assistance as the accused
- to be afforded the same opportunity to have others present during a campus disciplinary proceeding that is allowed the accused
- to be notified of the outcome of the sexual assault disciplinary proceeding against the accused

LEGAL RIGHTS

- to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- to receive full, prompt and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault

CAMPUS INTERVENTION RIGHTS

- to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of a victim by the alleged assailant to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available