

**William Paterson University Policy
Title IX Grievance Policy for Sexual Harassment Complaints**

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| SUBJECT: | University Policy | | TITLE: | Title IX Grievance Policy for Sexual Harassment Complaints | |
| CATEGORY: Check One | Board of Trustees <input type="checkbox"/> | University <input checked="" type="checkbox"/> | Functional <input type="checkbox"/> | School/Unit <input type="checkbox"/> | |
| Responsible Executive: | Chief Diversity Officer | | Responsible Office: | Office of Institutional Equity and Diversity | |
| CODING: | 00-01- | ADOPTED: | | AMENDED: | |
| LAST REVIEWED: 08/01/24 | | | | | |

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I. PURPOSE

William Paterson University (hereinafter “the University”) is committed to maintaining an academic and work environment for students, faculty, and staff, which is conducive to the achievement of educational and career goals on the basis of ability and performance. The University does not tolerate any form of sexual harassment or discrimination, and the University is committed to complying with all applicable regulations including Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. Similarly, the Clery Act (Campus SAVE) and the Violence Against Women Reauthorization Act of 2013 (VAWA) ensure prompt, fair, and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence, and domestic violence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy will specifically address incidents of sexual harassment as defined by Title IX.

The University strives to eliminate sexual harassment through education and encouraging students and employees (hereinafter “parties”) to report concerns or complaints. Parties who believe that they have been the subject of sexual harassment should follow the reporting procedures in this policy. Parties should report incidents of sexual harassment as soon as possible after the alleged incident because late reporting may impede the University’s investigation.

The University will respond to reported violations of Title IX by promptly taking effective steps to end the misconduct, prevent further violations, and remedy the effects of the violation on the Complainant and others, if appropriate. If the violation satisfies the elements of “covered sexual harassment,” the University may conduct a prompt, fair and impartial investigation. The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment in order to protect parties’ rights and the personal safety of members of the community. Where appropriate, the University will issue supportive measures, interim protections, and sanctions.

Students who are found to have violated this policy will be subject to disciplinary measures, up to and including dismissal from the University in accordance with the Student Code of Conduct and any other applicable policy. Employees who are found to have violated this policy will be subject to disciplinary action, up to and including termination in accordance with any applicable policies or procedures governing disciplinary action against faculty and staff. Guests and other third parties who are found to have violated this policy will be subject to corrective action deemed appropriate by the University, which may include removal from the campus and termination of any applicable contractual or other arrangements. In instances where the University is unable to take disciplinary action in response to a violation of this policy because a Complainant insists on confidentiality or for some other reason, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence. Any person who believes that they have been the subject of sexual harassment should follow the reporting procedures in this policy. Complaints should be filed as soon as possible after the alleged incident because late reporting may impede the University's investigation.

Print copies of the Title IX Grievance Policy and Process for Sexual Harassment Complaints are available in the Office of the Vice President for Student Development, Human Resources, Office of Institutional Equity and Diversity, Counseling, Health, and Wellness Center, Center for Diversity & Inclusion, University Police Department, and on the University’s website at: <https://www.wpunj.edu/Institutional-Equity-and-Diversity/policies-process-and-resources> .

II. ACCOUNTABILITY

At the direction of the President and under the supervision of the Chief of Staff, the Title IX Coordinator housed in the Office of Institutional Equity and Diversity (OIED), has been empowered to implement and ensure institutional compliance with this policy.

III. APPLICABILITY

The University may investigate any reported violation of this policy that occurs in the context of a University program in the United States when the alleged conduct, if true, would constitute “covered sexual harassment” as defined in this policy. The University may amend the Policy and Process from time to time. Nothing in the Policy shall affect the inherent authority of the University to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

IV. DEFINITIONS

See Appendix B

V. BACKGROUND

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The US Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex-based discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability equally to access our educational programs and opportunities.

On May 19, 2020, the US Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence);
- Addresses how the University must respond to reports of misconduct falling within that definition of sexual harassment and;
- Mandates a grievance process that the University must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

But under the Final Rule, the University must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule’s definition of sexual harassment must be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy. The University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the University retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Sexual Misconduct and Non-Discrimination Policy and the

Policy Prohibiting Discrimination in the Workforce and Educational Environment (Discrimination Policy)¹ through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the employment policies, or any civil rights violation except as narrowly defined in this policy. This policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

VI. REFERENCES

Title IX and Title IX Coordinator(s)

Title IX of the Education Amendments of 1972 prohibits sex-based discrimination in education programs and activities at educational institutions that receive federal financial assistance. Sex-based discrimination includes sexual harassment and other forms of sexual misconduct.

Title IX mandates the University to designate a Title IX Coordinator(s). The Title IX Coordinator(s) coordinates the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator(s) oversees the University's centralized response to all reports of sexual harassment to assure consistent implementation of this policy and ensure compliance with federal and state law. The Title IX Coordinator(s) and designated staff will, among other steps:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access reporting and support options;
- Review applicable University policies to ensure institutional compliance with applicable federal and state law;
- Monitor the University's administration of its applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct and coordinate training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and sexual harassment as defined in this policy;
- Respond to any report regarding conduct that may violate this policy.

In this capacity, the Title IX Coordinator(s) shall oversee the formal grievance process of sexual harassment. For conduct that does not fall under the definition of a Title IX allegation, the University reserves the right to address the misconduct under applicable University policy and procedures.

Clery Act and the Violence Against Women Act (VAWA)

Separate and apart from Title IX, the Clery Act (Campus SAVE) and the Violence Against Women Reauthorization Act of 2013 (VAWA) ensure prompt, fair, and impartial investigation and resolution of allegations of sexual assault, stalking, dating violence, and domestic violence. The Clery Act (Campus SAVE) requires William Paterson University to annually disclose select crime statistics, along with their campus safety policies and procedures. When the Reauthorized VAWA was signed into law in 2013, it amended the Clery Act by requiring colleges to compile statistics for incidents of sexual assault, intimate partner violence, and stalking.

¹ Students may bring complaints under this policy when the Respondent is a University employee.

Additionally, the VAWA amendments to the Clery Act (Campus SAVE) require colleges to follow specific procedures when investigating reports of such incidents. Those procedures include providing Complainants of such events with certain resource materials, providing education materials to incoming students and employees, and conducting ongoing awareness campaigns for current students and employees.

Annual Security Report (“ASR”)/Crime Statistics

The University seeks to ensure the campus community is informed of all incidents that may impact their safety and security. The University issues the Annual Security Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The campus community is encouraged to report all crimes, whether actual, attempted, or suspected, and all emergency situations to University Police. Campus Security Authorities², notified of VAWA related crimes, are required to report this information to University Police within 24 hours. University Police must then report VAWA related crimes to the University Title IX Coordinator(s). The University compiles and discloses statistics of reports of the types of crimes specified in the Clery Act for the campus and immediately adjacent areas.

Timely Warning and Emergency Notifications

If the University determines that there is a severe and immediate threat to the campus community, the University Police Department may issue a timely warning to the community. Any such notification should not include any information that identifies any reporting parties. Under the Clery Act, the University is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.

VII. TITLE IX GRIEVANCE POLICY

A. General Rules of Application

1. Effective Date

This Title IX Grievance Policy became effective on August 14, 2020 and will only apply to formal complaints of sexual harassment incidents that occurred on or after August 14, 2020.

2. Revocation by Operation of Law

Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Student Sexual Misconduct and Non-Discrimination Policy or the Policy Prohibiting Discrimination in the Workforce and Educational Environment.³

² Campus Security Authorities is the VAWA name for Responsible Employees.

³ Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.

3. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, affectional or sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. A violation of this policy may also be a violation of the New Jersey Law Against Discrimination (N.J.S.A.10:5-12), which makes it unlawful to subject people to differential treatment based on many categories, including sex, affectional or sexual orientation, and gender identity. Individuals who wish to file a complaint about the University's policy or process may contact the Department of Education's Office for Civil Rights using the contact information available at <https://ocrcas.ed.gov/contact-ocr>.

B. Prohibited Conduct – “Covered Sexual Harassment” Under The Policy⁴

This policy governs sexual harassment and discrimination as governed by the Federal Title IX regulations, which is defined to include: (1) Quid Pro Quo, (2) Unwelcome Conduct – Severe, Pervasive, and Objectively Offensive, (3) Sexual Assault, (4) Dating Violence (5) Domestic Violence (5) Stalking, and (6) Retaliation, and is defined as:

1. **Quid Pro Quo (Employee Harassment)** – An employee conditions the provisions of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, which may include sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
2. **Unwelcome Conduct** – Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the University's program or activity.
3. **Sexual Assault** - Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.
4. **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the

⁴ Any reference to sexual harassment in this policy includes all forms of prohibited conduct defined in this section.

relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- 5. Domestic violence** - Violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Violence for the purpose of domestic and dating violence includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior

- 6. Stalking** - Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for their safety, the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- 7. Retaliation** - These policies prohibit retaliation against any student, faculty, or staff member who, in good faith, alleges that they were the victim of sexual harassment, sexual misconduct, or discrimination, or provides information in the course of an investigation; or is accused of violating Prohibited Conduct. No person who, in good faith files a report, provides information for an investigation, or testifies in any proceeding under these policies shall be subjected to an adverse employment or educational consequences based upon such involvement or be the subject of retaliation.

Sexual misconduct that does not meet the definition of sexual harassment defined herein may be dismissed under this Policy and may be addressed under another applicable University policy.

C. Disability Accommodations

This policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator(s) at any point before or during the Title IX Grievance Process that do not *fundamentally alter the process*. *The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.*

D. Sexual Harassment Reporting Options

The University encourages reporting of sexual harassment. Members of the community are also encouraged to seek medical attention, if necessary, and take steps to preserve pertinent information. Preserving all information/evidence is essential for both law enforcement

investigations and campus proceedings, should the student or employee wish to engage with law enforcement or the University. Therefore, any potential information or materials including, but not limited to, clothing, bed linens, voice messages, text messages, letters, emails, phone records, diary of incidents that occurred, and photographs should be preserved.

Parties who believe that they have experienced sexual harassment have the right to choose whether to report the incident to the University and/or law enforcement and have the right to decide whether to engage with the University once the University receives a report. The University will make every reasonable effort to safeguard the identities of parties who seek help and report incidents of sexual harassment consistent with the applicable laws and regulations. To the extent possible, all publicly available information will be maintained without personally-identifying information. While steps are taken to protect the privacy of students and employees, the University may need to investigate an incident and take action once an allegation is known, whether or not a decision is made to pursue a report.

1. Reporting to the University

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator(s) receiving the person's verbal or written report. Reports to the Title IX Coordinator(s) may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator(s).

Sobia Mahmood, JD.

Director of Institutional Equity and Compliance/Title IX Coordinator
358 Hamburg Turnpike
Wayne, NJ 07470
TitleIX@wpunj.edu
973-720-2389

Electronic Mail (24 Hours a Day)

TitleIX@wpunj.edu

Online Incident Report (24 Hours a Day)

https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1

2. Reporting Anonymously

Options for anonymously reporting incidents of sexual harassment to William Paterson University officials are available here:

https://cm.maxient.com/reportingform.php?WilliamPatersonUniv&layout_id=1

Anonymous reports will be reviewed by the Title IX Coordinator(s), but an anonymous report will NOT initiate the formal complaint or grievance process unless Title IX Coordinators are compelled based on known circumstances. The University's ability to address a report from an anonymous source is significantly limited.

3. Reporting to Law Enforcement

An individual who has experienced sexual harassment has the right to report, or to decline to report, sexual harassment to law enforcement. A report to law enforcement may initiate investigation and adjudication within the criminal justice system. A report to William Paterson University Police will result in a report to Title IX.

Sanctions in the criminal justice system are separate and distinct from university administrative sanctions and may involve probation/parole, incarceration, or other criminal penalties. To report an incident of prohibited conduct, please contact:

William Paterson University Police Department

(available 24 hours a day, seven days a week)

The first building on the left when using Entry One.

Entry One is on Pompton Road near the Catholic Ministry Building.

Emergencies: 911

Non-emergencies: 973-720-2301

The University strongly encourages reporting of all incidents of sex-based harassment governed by this policy directly to a University official, to the Title IX Coordinator, their designee, Responsible Employee, or to the Campus Police Department as promptly as possible so that the University can investigate and respond effectively.

All parties may choose to report crimes of sexual violence to University Police, and/or the state or local police department or the county prosecutor's office where the incident(s) occurred. University Police officers are trained to assist victims of sexual assault, dating violence, and domestic violence.

University Police personnel are familiar with state and local law enforcement processes and can explain what happens when sexual violence is reported to law enforcement. University Police personnel may, upon request and availability, accompany any party requesting support to the local police department or prosecutor's office, though they cannot serve as a substitute for legal advice on these matters. Additional information about the University Police intake process can be found at

<https://www.wpunj.edu/police/clery/Clery-Report19.pdf>

E. Confidential Disclosure and Resources for Students

1. Students have the right to seek confidential resources and disclose allegations of sexual harassment to the University. Designated employees on campus have the ability to maintain a student's confidentiality. Confidential resources are located within the Counseling, Health, and Wellness Center and the Student Center. Professional Counselor(s), the Social Worker for Student Support and Resources are not obligated to file a report with the Title IX Coordinator, designee, or Campus Police, and can also assist with available resources, depending upon the circumstances.

Confidential employees who receive a report of sexual harassment will discuss with the Complainant the available process for reporting it, request supportive measures on the

Complainant's behalf, and will work with the Complainant to determine what information they are willing to share with others involved in securing supportive measures. Confidential employees will also explain how sharing certain information with other people may trigger the obligation to investigate. Supportive measures provided to the Complainant and Respondent will be kept confidential unless it would impair the University's ability to provide the Supportive measures.

A Complainant who speaks to a confidential resource must understand that, if they want to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent. A Complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus request that the incident be investigated.

- a. **Professional Counselors** (available by appointment/walk-in during campus business hours) Professional, licensed counselors who provide mental-health counseling to students (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without the student's permission. To speak to a professional counselor, please contact:

Counseling, Health, and Wellness Center

Overlook South, 1st Floor

Located between Matelson and White Hall

Office: (973) 720-2257

The counselor is available 24/7 at this number for emergencies.

- b. **Social Worker**

Social Worker for Student Support and Resources

Theresa A. Bivaletz, MSW, LSW

Office of Student Development

Student Center Suite 117

973.720.2578

bivalezt@wpunj.edu

2. Responsible Employees

All William Paterson University employees (faculty, administrators, and staff) are considered Responsible Employees **EXCEPT**:

- **Counseling, Health, and Wellness staff,**
- **The Social Worker for Student Support and Resources, and**
- **Physical Plant Operations (“PPO”) non-management staff.⁵**

Certain student employees such as Resident Assistants, Peer Leaders, and Student Patrol also are required to report incidents of sexual harassment to their

⁵ This is an illustration – not exact titles

supervisors who fall into this category of Non-Confidential Resources and will be required to report to the Title IX Coordinator(s).

A Responsible Employee who receives a report of sexual harassment by a student is required to report to the Title IX Coordinator(s) all relevant details, including the name of the individual who made the report, the alleged Complainant (if different), and the alleged Respondent, any witnesses, and other relevant facts. The ability or obligation to report sexual harassment or to inform parties how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to “institute corrective measures”.

To the extent possible, consistent with governing law and regulations, information reported to a Responsible Employee(s) will be shared only with people responsible for handling the University’s response to the report (Title IX Coordinators). A Responsible Employee(s) should not share information with law enforcement without the reporting parties’ consent or unless the reporting parties has also reported the incident to law enforcement.

3. Confidential Disclosure for Employees

Employees seeking a confidential resource can contact the Employee Assistance Program at 1- 800-242-7371 or <https://www.theeap.com/higher-education-eap>. The EAP is a service for William Paterson University faculty and staff and their household members. The EAP offers confidential short- term counseling and referral for problems ranging from work-related concerns to personal difficulties that affect an individual's everyday life. Trained counselors help with problems such as career issues, child care, elder care, family and workplace relationship problems, finances, health care, mental health, retirement, substance abuse, and work/life balance.

4. Services and Resources for Complainants & Respondents

Outside of the University, a Complainant may also be entitled to obtain remedies under applicable law. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies. Accommodations can include:

- **Restraining Orders:** A domestic/dating violence victim, may be able to get protection in the form of a temporary restraining order that can later become final. A restraining order is a civil order from the Family Part of the Superior Court. It prohibits the abuser from having any contact with the victim, including over the telephone, in person, or electronically. A victim may seek a temporary restraining order at the police department 24 hours a day (including WPU Police Department) or in the town where a victim resides, where the act of domestic violence occurred, where the defendant lives, or where a victim is sheltered. In addition, a victim may seek a temporary restraining order at the Superior Court (during business hours) at 401 Grand Street, Paterson, NJ. See Appendix C – Additional Resources.
- **Protective Orders:** The Sexual Assault Survivor Protection Act provides greater protection to victims of sexual offenses. Protective orders are intended to provide safety to victims of a sexual offense. A victim of a sexual offense does not have to report the crime to the police. It is possible to receive a final

protective order without ever speaking with the police. Victims may report the crime to the police, but it is not required. To apply for a protective order, you may visit the Superior Court (during business hours) at 401 Grand Street, Paterson, NJ. See Appendix C – Additional Resources.

F. Supportive Measures and Interim Protections

Complainants, who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures and interim protections as appropriate from the University regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive. The University will provide information about interim measures and accommodations only to those who need to know to make them effective. The University will provide parties with contact information about existing services both on and off-campus, including counseling, health care, mental health, and victim advocacy.

1. Supportive measures for Students may include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of class schedules (Office of Vice President for Student Development (973-720-2179))
- Campus escort services
- Restrictions on contact between the parties (mutual no contact orders)
- Changes in on-campus housing locations (Office of Residence Life: 973-720-2714)
- Leaves of Absence
- Increased security and monitoring of certain areas of the campus
- Assistance in arranging alternative University employment arrangements

2. Supportive measures for Employees may include, but are not limited to:

- Counseling
- Modifications of work schedules
- Campus escort services
- Restrictions on contact between the parties
- Increased security and monitoring of certain areas of the campus
- Assistance in arranging alternative University employment arrangements
- Assistance in arranging a meeting with the Employee Assistance Program (EAP)

3. Interim Measures for Students

Requests for interim protections for students, which may have an adverse impact on either Party, will be implemented by the Title IX Coordinator for Students or designee in collaboration with Student Conduct, Residence Life, and University Police as applicable. Interim protections for students may include, but are not limited to:

- Mutual restrictions on contact between the parties
- Removal of Student Respondent
- Access Restrictions

4. Interim Measures for Employees

Requests for interim protections for employees, which may impact either Party, will be implemented by the Title IX Coordinator or designee in collaboration with Human Resources and pursuant to the relevant collective bargaining agreements and University Policies as applicable.

Interim protections for employees may include, but are not limited to:

- Mutual restrictions on contact between the parties
- Removal of Employee Respondent
- Administrative Leave

5. Emergency Removal of Student Respondent

The University retains the authority to remove a Respondent from University program or activity on an emergency basis. The University may remove a Respondent on an emergency basis whether a grievance process is underway or not. Specifically, there must be an emergency situation “arising from” alleged conduct that could constitute sexual harassment.

An emergency removal is not limited to instances where the Complainant has reported an alleged sexual assault or rape, but could also be justified to address alleged severe, pervasive and objectively offensive verbal or online harassment. The identification of an immediate risk situation is not limited to the details of the alleged sexual harassment incident itself, but may also evaluate and respond to a Respondent’s related post-incident actions or behaviors.

- The University will take the following steps in its determination of an emergency removal:
Safety and Risk Analysis
 - The University will conduct a prompt safety and risk analysis to determine immediate risk based on the allegations of sexual harassment.
- Making a Determination
 - The University will determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal from the campus community
- Evaluate the applicability of disability laws to the removal decision
 - The University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, and applicable local and state laws.
- Supportive Measures
 - The University will consider the appropriateness of supportive measures in lieu of an emergency removal
- Respondent Appeal of Emergency Removal
 - The University will provide the Respondent with notice and an “immediate” opportunity to challenge the emergency removal.

6. Administrative Leave for an Employee Respondent

The University retains the authority to place a non-student employee Respondent on administrative leave during the Title IX Grievance Process, consistent with federal and state laws and collective bargaining agreements.

G. Retaliation

Retaliation against any person who files a complaint under the Title IX Grievance Policy and Procedures, or who provides information in the course of an investigation, or who opposes a discriminatory practice, is prohibited by the University and Federal law. No person bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse consequences in their employment or University academic programs or be the subject of other retaliation. Any employee or student who engages in such retaliation shall be subject to discipline by the University.

The University will keep the identity of any individual who has made a report or complaint of sexual harassment confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, and Respondent, and any witness, except as permitted by the FERPA statute, 20 USC. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual or interfere with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, to interfere with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation. Intimidation, threats, coercion, or discrimination includes any charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

H. University Alcohol and Drug Amnesty for Students

The health and safety of every student at William Paterson University is of utmost importance. A reporting student who is under the influence of alcohol or drugs at the time of prohibited conduct should not be reluctant to seek assistance for that reason.

William Paterson University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that the alleged incident of sexual harassment occurred may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

William Paterson University strongly encourages students to report any incident of sexual harassment to William Paterson University officials in accordance with these procedures. A bystander acting in good faith, or a reporting individual acting in good faith, that discloses any incident of sexual harassment to William Paterson University officials or law enforcement will not

be subject to Office of Student Conduct disciplinary process for violations of University alcohol and/or drug use policies occurring at or near the time of the commission of the sexual harassment.

I. Training

Training will be conducted in compliance with the University's obligation under the Final Rules.

VIII. External Complaint Process

In addition to following the University's internal procedures, a person has the right to file a complaint with federal agencies that investigate Sexual Harassment. An external complaint must be filed directly with the agency. The agencies should be consulted concerning time deadlines for filing.

Office for Civil Rights
US Department of Education
New York Office
75 Park Place, 14th Floor
New York, New York 10007-2146
212-637-6466

Assistant Secretary
U.S. Department of Education
Office of Postsecondary Education
400 Maryland Avenue, SW
Washington, DC 20202
Main Telephone: 202-453-6914 or 1-800-872-5327 (toll-free)

IX. PROCEDURE(S)

Procedures can be found in the accompanying document, [Title IX Grievance Process for Sexual Harassment Complaints](#)

X. EXHIBIT(S)

Appendix A: Regulatory Framework

Americans with Disabilities Act (ADA) of 1990: as amended in 2008, a "person with a disability" is someone with a physical or mental impairment that substantially limits one or more major life activities. A person is considered to be a person with a disability if s/he has a disability, has a record of the disability, or is regarded as having a disability. The University will make a "good faith" effort to provide reasonable accommodations to persons identified as having disabilities as applicable.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act: This federal law, passed in 1990, the "Clery Act" requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety through the publishing of an annual security report. Additionally, the act requires institutions to provide survivors of sexual violence with reasonable accommodations and assistance in reporting. The Clery Act requires institutions to outline specific policies and procedures for the prevention of sexual violence in their annual security reports.

New Jersey Prevention of Domestic Violence Act: of 1991, N.J.S.2C:25-17 et seq.: Under this New Jersey law, domestic violence means the occurrence of one or more of the following criminal offenses upon a victim: Homicide, Assault, Terroristic threats, Kidnapping, Criminal restraint, False imprisonment, Sexual assault, Criminal sexual contact, Lewdness, Criminal mischief, Burglary, Criminal trespass, Harassment, Stalking, Criminal coercion, Robbery, Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense, Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," or Cyber-harassment.

- "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member, or any person, regardless of age, who 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 any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
- "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant, or has been previously declared by a court or an administrative agency to be emancipated.

New Jersey Bias Intimidation: (N.J.S.2C:16-1): A person is guilty of the crime of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5,

(1) with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or

(2) knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or

(3) under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that:

- (a) the offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity, or
- (b) the victim or the victim's property was selected to be the target of the offense because of the victim's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

New Jersey Law Against Discrimination: (NJ - LAD): prohibits discrimination and bias-based harassment in employment, housing, and places of public accommodation, including schools, based on actual or perceived race, religion, national origin, gender, sexual orientation, disability, gender identity or expression and other protected characteristics. That means that you cannot be subjected to bias-based harassment from students or school staff in a way that creates a hostile school environment.

Title VI of the Civil Rights Act of 1964: prohibits discrimination based on race, color, or national origin in programs or activities which receive federal financial assistance. Programs or activities may include but are not limited to, admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, recreation, athletics, housing, and employment if it affects those who are intended to benefit from the Federal funds.

Title IX of the Education Amendments of 1972 Sex Discrimination: A comprehensive federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity.

Violence Against Women Act (VAWA) Reauthorization Act of 2013: This federal law requires colleges and universities to:

- a) Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates;
- b) Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- c) Adopt certain institutional policies to address and prevent campus sexual violence through the education and training of an institution's community.

Family Educational Rights and Privacy Act (FERPA): This federal law protects the privacy of student education records. The rule applies to all schools that receive funds under the US Department of Education's applicable program.

Appendix B: Definitions and Key Terminology

Advisor: A person chosen by each of the Complainant and Respondent, who is permitted to accompany the Complainant and Respondent respectively to any meeting or disciplinary proceeding (including, but not limited to, fact-finding investigations, formal or informal meetings, hearings, and mediation sessions). An advisor is an individual (friend, parent, attorney, or anyone else) who provides the Complainant and Respondent respectively with support, guidance, or advice. The role of the advisory will vary depending on which grievance process is being followed.

Accommodations are reasonable accommodations and protective measures to survivors, whether or not the individual decides to report to law enforcement or the University. It clarifies the types of accommodations and measures a school can provide, including changes to the survivor's academic, living, transportation, or working situations.

Actual Knowledge means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator(s) or any official of the University who has authority to institute corrective measures on behalf of the University.

Appeal Officer: The designated official to review appeals, based on established grounds, from students after a determination of responsibility or sanctioning has been determined.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.

The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do, even if they want to help.

Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911 if a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students. If you see someone who looks like they could be in trouble or needs help, ask if they are okay.
- Confront people who seclude, hit on, and attempt to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in these policies for support in health, counseling, or legal assistance.

Consent is defined as informed, voluntary, and mutual and may be withdrawn at any time. Consent is not obtained with an express or implied force, coercion, intimidation, threat, or duress. Consent to a sexual act must be expressed, and be fully informed and a freely decided choice to participate in sexual contact or intercourse. Consent cannot be assumed or implied by silence or the absence of physical or verbal resistance. Consent is an affirmative, unambiguous, and conscious decision. Consent to one type of sex act does not imply consent to other forms and must be ongoing throughout a sexual encounter. Past consent to sexual activity does not imply ongoing future consent with a person or consent to the same activity with another person. If a person is mentally or physically incapacitated or impaired so that a person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes incapacitation by the use of alcohol and drug consumption or being asleep or unconscious. Generally, the age of consent in New Jersey is 16. Please refer to NJ State Law for full consent and statutory rape laws.

The following actions render consent null:

- **Coercion:** Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Coercion renders an individual unable to consent.
- **Force** is the use or threat of physical violence to overcome an individual's freedom of will to choose whether to participate in sexual contact. Force renders an individual unable to consent.
- **Incapacitation:** A person who is incapacitated is not capable of giving valid, affirmative consent. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why, or how of the sexual activity. A person may be incapacitated as a result of a temporary or permanent mental or physical condition, sleep, or unconsciousness. A person may be incapacitated as a result of the consumption of alcohol or drugs. A person who is not incapacitated at the beginning of the sexual activity may eventually reach a state of incapacitation as the activity progresses due to alcohol or drug intake prior to or during the activity. Incapacitation is a state of impairment significant enough to render a person unable to understand the fact, nature, or extent of the sexual activity. For the purpose of this policy, the standard that shall be applied is whether or not a reasonable person would have known, based on the facts and circumstances presented, that the other person was incapacitated and, therefore, not capable of giving consent.

Complainant: For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Consensual Relationships: Consensual relationships are romantic and sexual relationships between two or more individuals entered into with the consent of both parties. Consensual relationships between University employees and students, even with students who are not subject to direct supervision or evaluation by the faculty or staff member, should be avoided because they may negatively impact the learning environment.

Dating Violence* is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence* is violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

* **Violence for the purpose of domestic and dating violence** includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior

Education Program or Activity includes any on-campus premises; any off-campus premises that William Paterson University has substantial control over, this includes buildings or property owned or controlled by a recognized student organization; and activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of William Paterson's programs and activities over which the University has substantial control.

Employee: An individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties. The individual may be referenced as a worker.

Exculpatory evidence is favorable to the Respondent in an investigation or grievance process that exonerates or tends to exonerate the Respondent of responsibility of the allegation.

Extenuating Circumstances is information providing a partial justification or excuse for something.

Formal Complaint: For the purpose of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission – filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a Respondent about conduct within William Paterson University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

Inculpatory evidence: Evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt.

Intimidation: An expression through words or acts that implies a threat. Inculpatory evidence is evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt.

The Preponderance of the Evidence: A standard of proof in which the totality of the evidence demonstrates that an individual's version of events more likely than not occurred. The preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility (51% or greater). The preponderance of the evidence standard is utilized in the University investigation, adjudication, and grievance processes.

New Jersey Rape Shield Law (N.J.S.A. 2C:14-7): A law that restricts the introduction of evidence of the Complainant's prior sexual behavior by identifying the limited circumstances when such evidence may be admitted. This law is intended to both protect the Complainant's privacy as well as to prevent prejudice that would result from introducing such information.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment and sexual misconduct.

Responsible Employees: A university employee who has the duty to report allegations of sexual harassment or sexual misconduct made by students to the Title IX Coordinator or who a student could reasonably believe has this authority or duty.

Sexual Assault: Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Sexual contact is an intentional touching by a person, either directly or through clothing, of another's intimate body parts for the purpose of degrading or humiliating another or sexually arousing or sexually gratifying the actor.

Sexual harassment ("Covered Sexual Harassment"): (1) Quid Pro Quo, (2) Unwelcome Conduct – Severe, Pervasive, and Objectively Offensive, (3) Sexual Assault, (4) Dating Violence, (5) Domestic Violence, (6) Stalking. *The definition for each enumerated type of sexual harassment is found herein

Sexual Intimidation: Refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection, such as threatening to sexually assault another person or engaging in indecent exposure.

Sexual Misconduct: A broad term that identifies forms of discrimination and harassment based on sex, including sexual exploitation, non-consensual sexual contact, gender-based harassment, stalking – including cyberstalking. Sexual misconduct includes other acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, even if those acts do not involve conduct of a sexual nature.

Sexual penetration includes vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor's instruction.

Sexual violence: The collective term used to describe all forms of physical, sexual misconduct (sexual assault), dating/domestic violence, stalking, and sexual harassment.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition, stalking includes —

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Student: The University recognizes as a student, individuals who have accepted an offer of admission and who have a continuing relationship with the University, including taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional studies, or continuing education or any individual who has completed the following:

- Paid a tuition deposit indicating "intent to enroll";
- Registered for credit-bearing courses; and
- Arrived on campus to begin the semester/term. This definition includes individuals who arrive at campus prior to the start of the semester/term for recognized University functions including but not limited to student employment; training; athletics; and participation in the summer program.

Students who withdraw from the University after an alleged violation of a University policy may be required to respond to the allegations upon readmission to the University.

Students who withdraw from the University after allegedly violating the Student Code of Conduct remain subject to the Code and its disciplinary action until the matter has concluded regardless if they have a continuing relationship with the University.

Third Party includes individuals who are neither Students nor Employees, including but not limited to contractors, guests, vendors, and consultants.

University Hearing Board Member(s) includes any faculty or professional staff member at the University designated and trained by the Office of Institutional Equity and Diversity to conduct Title IX hearings.

Quid Pro Quo (Employee Harassment): An employee conditions the provisions of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, which may include sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Appendix C: Additional Resources

24-Hour Hotlines:

Passaic County Women's Center has a 24-hour hotline, which provides information about emergency housing, medical assistance, and a full range of crisis services to victims. Services are provided to any individual who is a survivor of domestic violence and/or sexual assault, or who is a person of support to a survivor of domestic violence and/or sexual assault regardless of sex, gender, gender identity, race, ethnicity, religion, sexual orientation, economic status, or immigration status: 973-881-1450

- New Jersey Statewide Domestic Violence Hotline: 800-572-7233
- New Jersey Coalition Against Sexual Assault Hotline: 800-601-7200

Comprehensive Services: The Passaic County Women's Center (PCWC), located at 1027 Madison Avenue in Paterson, New Jersey, is the domestic violence and sexual violence service provider in Passaic County. PCWC offers a 24-hour hotline, emergency and transitional housing for victims of domestic violence and/or sexual violence, individual counseling, group counseling, court preparation, accompaniment to hospitals, court, law enforcement agencies, or social service providers. All services provided by Passaic County Women's Center are free and confidential and are provided to any individual who is a survivor of domestic violence and/or sexual assault, or who is a person of support to a survivor of domestic violence and/or sexual assault regardless of sex, gender, gender identity, race, ethnicity, religion, sexual orientation, economic status, or immigration status. The Passaic County Women's Center provides services in English, Spanish and Arabic and can make arrangements via the use of the Language Line to meet communication needs for speakers of more than 140 languages.

Domestic Violence Response Team (DVRT) Program: This program is state-mandated to assist law enforcement in handling cases of domestic violence so that each victim can receive the specialized information and support that they deserve. When a victim of domestic violence seeks the assistance of the University Police (or their local police departments), they are offered the services of a DVRT volunteer advocate. In a manner that is designed to maintain confidentiality to the extent allowed by state and federal law, DVRT volunteer advocates will provide victims of domestic violence with immediate support at the moment of crisis and provide all available information regarding the law, safety options, and available resources.

Financial Aid Questions: For financial aid concerns, contact the University Office of Financial Aid: 973-720-3945

Legal Services: For legal assistance, including assistance with immigration & visa concerns, contact Northeast NJ Legal Services. Paterson office: 152 Market Street, 6th Fl., Paterson, NJ: 973-523-2900

Medical/Psychological Support: The William Paterson University Counseling, Health & Wellness Center maintains a goal of providing clinical, educational, and outreach services to William Paterson University students. Counselors will maintain confidentiality, help explain possible options and provide information and emotional support.

- Appointments: 973-720-2360
- After hours of psychological emergency: 973-720-2257

Passaic County Prosecutor's Office of Victim-Witness Advocacy: Provides information, advocacy, emotional support, and referrals to victims and witnesses coping with the trauma and burdens experienced

in the aftermath of crime. The office strives to minimize the inconvenience to victims and witnesses during the course of criminal prosecution. To contact an advocate: 973-881-4887

Planned Parenthood: Provides testing and services for pregnancy and for sexually transmitted infections, as well as a range of services for men's and women's health care. Paterson Location: 680 Broadway, Paterson, NJ, 973-345-3883

SAFE WALK/Transportation: William Paterson University provides an escort service to accompany any student, faculty, or staff member to their destination during specific hours. To request this service, please call 973-720-7400. Victims in danger may seek University Police escort 973-720-2301. Additional transportation assistance can be requested through the Campus Victim Services Coordinator.

Sexual Assault Response Team (SART) and Sexual Assault Nurse Examiner (SANE) Programs: The SART/SANE programs are state-mandated and utilize a victim-centered approach to sexual assault cases. When a person goes to a SART/SANE designated hospital or is transported to one, a team consisting of a trained police officer, a victim advocate, and a forensic nurse with specialized training in interviewing, documenting injury and collection of evidence, respond to assist the victim. These teams are on-call 24-hours a day. The SART/SANE Programs maintain confidentiality to the extent allowed by state and federal law.

SART/SANE designated hospitals in Passaic County include:

1. St Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ 07503
2. Chilton Memorial Hospital, 97 West Parkway, Pompton Plains, NJ 07444
3. St. Mary's Hospital, 350 Boulevard, Passaic, NJ 07055

University Police: University Police are available at all times. For emergencies, call 911. For non-emergencies, call 973-720-2300. The University Police is located on campus and is in the first building on the left when using Entry One (on Pompton Road near the Catholic Campus Ministry Building).

Appendix D: Pregnant and Parenting Students' Rights & Resources

1. Non-Discrimination Statement

The University will not tolerate discrimination and/or harassment in the educational environment. Discrimination or harassment based on a student's pregnancy, childbirth, or related medical conditions (including lactation) is unlawful and is prohibited.

Any student who believes they have been discriminated against on the basis of pregnancy or a pregnancy-related issue, should file an immediate complaint with the Title IX Coordinator. This complaint may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Sobia Mahmood, J.D.
Director of Institutional Equity & Compliance and Title IX Coordinator
358 Hamburg Turnpike
Wayne, NJ 07474
TitleIX@wpunj.edu
973-720-2389

All complaints of pregnancy discrimination will be investigated promptly and thoroughly. Procedures to address complaints of discrimination on the basis of pregnancy are described here: Title IX Grievance Process for Sexual Harassment Complaints

Procedures to address complaints of discrimination by a faculty or staff member may also be addressed by the Policy Prohibiting Discrimination in the Workforce and Educational Environment. Procedures to address complaints of discrimination by a student may also be addressed by the Student Sexual Misconduct and Non-Discrimination Process.

Retaliation against an individual for reporting discrimination or for participating in an investigation is prohibited by Title IX and University policy. Examples of retaliation include intimidation, threats, coercion and may subject the offender to sanctions, regardless of whether or not the discrimination complaint has been substantiated.

2. Disclosure of Pregnancy

A student who is, or becomes, pregnant is strongly encouraged to notify the Dean of Students Office and/or the Accessibility Resource Center as soon as possible. By doing so, the student and the University can collaborate and develop an appropriate plan for the continuation of the student's educational progression, as well as particular challenges the student may face while pregnant or recovering from childbirth (e.g., missed classes, make-up work, etc.).

However, the choice to declare a pregnancy is voluntary, and a student is not required to disclose this information to the University.

3. Requesting Reasonable Accommodations

Reasonable accommodations to a pregnant student shall include, but need not be limited to, allowances for the student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, allowing a student to take a leave of absence (so long as the request is made prior to the start of the semester), and excusing medically necessary absences. Students affected by pregnancy, childbirth or related medical conditions will be treated in the same manner as other students who are affected by a physical condition and or disability.

The Office of the Vice President for Student Development, specifically the Director of Accessibility Resource Center, coordinates services for students with disabilities, including pregnancy, which is considered a temporary disability. These services include assistance in registration, parking, referrals, adapted classroom activities and other special needs. It is the responsibility of the student to self-identify and provide recent documentation of their disability to the Director of Accessibility Resource Center at: <https://www.wpunj.edu/accessibilityresourcecenter/>

As with all accommodation requests for temporary conditions, the student will be required to provide documentation of the pregnancy or related medical condition to the Accessibility Resource Center. The Accessibility Resource Center will determine if such accommodations are necessary and appropriate and will generate an accommodation letter that a student can use to inform the faculty member of the need to adjust academic parameters accordingly. Information about a pregnant student's requests for accommodations will be shared with administrators and faculty on a limited need to know basis, only as necessary to implement the accommodation(s).

4. Pregnancy Leave of Absence or Withdrawal

A registered student at any level may choose to take a leave of absence or a withdrawal for pregnancy, pregnancy-related issues or birth of a child. Birth parents may take a leave of up to two full academic years, without being required to re-apply for admission. If a medical necessity requires a leave period that is longer than two years, the student will be required to reapply for readmission. Non-birth parents may apply for withdrawal of up to two full academic years without being required to apply for readmission. If a period of extension longer than two full academic years is medically necessary to care for the student's partner or child, the student will be required to apply for readmission.

See information on how to apply for a leave of absence/withdrawal here:

<https://wpunj.edu/registrar/academic-regulations/leave.html>

5. Returning From Leave

Any student in good academic standing who chooses to take a leave of absence because they are pregnant or have recently given birth shall return to the baccalaureate, or graduate program in good academic standing with no loss of standing, credit, progress, grade point average, or other rights or privileges, as long as the duration of their leave is consistent with University policies.

An enrolled student in good academic standing who is not the birth parent and who chooses to withdraw because of the birth of the student's child shall return to the baccalaureate, or graduate program in good

academic with no loss of standing, credit, progress, grade point average, or other rights or privileges, as long as the duration of their leave is consistent with University policies.

If the student will require accommodations upon return from the leave, they must notify the Accessibility Resource Center of their pending return to initiate this process.

If a student does not return from the withdrawal/leave of absence for the semester immediately following the end of two years, the student must submit a readmission application with the Office of Admissions by the established admissions deadlines.

6. Lactation Stations & Information

William Paterson University offers designated lactation rooms on campus to all William Paterson University students, faculty, staff, and visitors who need a private place to express milk. Each lactation room is equipped with a comfortable chair, small table, electrical outlet, and a sink with running water. Refrigeration/storage is not provided, and in all locations, nursing individuals will need to provide their own pump.

There are three Lactation rooms on campus that are close to academic buildings and parking lots. All rooms are locked for privacy and require scheduling. Please complete the [Lactation Room Support Form](#) to schedule and gain card access or a key to the Lactation room of your choice, listed below:

- Hunziker Hall, Room 300
- Student Center, Room 305
- 1600 Valley Road, Room 1014

<https://wpunj.edu/osdi/Gender-Sexuality-Resources/lactation-room-support>

7. Questions or Concerns

Any student who has questions about this policy or who is concerned about its implementation should contact:

Sobia Mahmood, J.D.
Director of Institutional Equity & Compliance and Title IX Coordinator
358 Hamburg Turnpike
Wayne, NJ 07470
TitleIX@wpunj.edu
973-720-2389