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- ◁ Any academic, extracurricular, research, occupational training or any other activity by NJCU receiving federal financial assistance. Off-campus activity is covered under this Policy if it is part of NJCU's
- ◁ Conduct that occurs in a building owned or controlled by a student organization that is officially recognized by NJCU and conduct that is subject to NJCU's disciplinary authority under NJCU's Student Code of Conduct:
<https://www.njcu.edu/about/njcu-policies-and-procedures/university-policy-library/student-services-and-responsibilities-policies/student-code-conduct>
- ◁ With regard to conduct that occurs outside of United States but within NJCU's program or activity, NJCU prohibits and will address allegations of sexual harassment and other sexual misconduct allegations creating a hostile environment at
- ◁ Online harassment: When harassing communications prohibited by this Policy occurs through websites, social media and other online venues over which NJCU has no control, NJCU will engage to address and mitigate the effects.
- ◁ All vendors serving NJCU through third-party contracts are subject to this Policy and procedures.

NJCU's Title IX Coordinator will select the appropriate process to use based upon the nature of the conduct reported, the role of the respondent, and whether the conduct occurred within its education program or activity.

If all elements of jurisdiction are met, NJCU will investigate the allegations according to the procedures as set forth in the Policy as appropriate unless informal resolution is pursued or unless there are grounds for dismissal of the complaint. Any such dismissals shall be subject to appropriate appeal rights under this Policy as outlined in the "dismissals" section, XVII.

NJCU is not obligated to act in response to information that was provided by a person during a public event to raise awareness about a social or environmental issue that was held on campus or through an online platform sponsored by NJCU unless it indicates an imminent and serious threat to the health or safety of a student or other persons. However, in all cases this information can be used to inform efforts to prevent

NJCU's procedures under this Policy provides for the prompt and equitable resolution of complaints, alleging s or .

Sex discrimination, as defined by Title IX, includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, and is further defined in Section V.

Sex-based harassment, as defined in Section V, means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity when it takes the form of:

- < Hostile environment harassment
- < Quid pro quo harassment;
- < Dating Violence and Domestic Violence;
- < Specific Offenses (i.e. rape, sodomy, sexual assault);
- < Stalking;

~~§ 11-2.1~~ § 11-2.2 Sexual exploitation.

is prohibited under this Policy. Retaliation is adverse action, including intimidation, threats coercion or discrimination against any person, by NJCU student, employee, or a person authorized by NJCU to provide benefit, or service under NJCU's , for the purpose of interfering with any right of privilege secured by law or this policy, or because the person has engaged in protected activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation for resolution process under this Policy.

is also prohibited.

NJCU is obligated to ensure that the is not abused for retaliatory purposes. The Title IX Coordinator will evaluate a counter-complaint to ensure that it was made in good faith and not potentially retaliatory.

associated with male or female bodies, or intersex traits is prohibited under the Policy.

Unwelcome conduct directed toward a person based on nonconformity with stereotypical notions of how someone of their sex, or perceived sex, is expected to act or appear, or that seeks to restrict a community member from participating in activities that are not stereotypically associated with that community member's sex, or perceived sex, is prohibited under the Policy.

Unwelcome conduct directed toward a person based on their emotional, romantic, or sexual attraction to a particular gender or sex is prohibited under the Policy.

B.

NJCU

, explicitly or impliedly conditions the provision of

< Prostituting another person

NJCU will maintain the presumption that the _____ is not responsible for the reported _____ until a determination is made and the appeal process has been exhausted.

The Title IX Coordinator, investigator, or decision-maker must not have a conflict or bias for or against _____s or _____ or an individual _____ or _____. A _____ may be the same person as the Title IX Coordinator or investigator provided that there is no bias or conflict of interest.

If a _____ believes that an NJCU official who is administering any portion of the grievance process has a conflict of interest or bias for or against _____s, _____, or witnesses generally or against an individual _____, _____, or witness, any _____ may make a request to have that conflicted or biased University official removed from the process.

Requests for removal must include a detailed description of the conflict or bias. All requests for removal must be directed to the Title IX Coordinator or to the University Counsel if the allegations are against the Title IX Coordinator. After receiving a request for removal, the Title IX Coordinator or the University Counsel, will ask the individual with the alleged conflict of interest or bias to provide a short, written response to the request for removal and consider that response before making a determination. If a conflict or bias exists, the Title IX Coordinator or the University Counsel will take immediate steps to replace that official to ensure an impartial and fair grievance process is maintained.

NJCU can consolidate complaints of _____ against more than one _____, or by more than one _____ against one or more _____, or by one _____ against another _____, when the allegations of _____ arise out of the same facts or circumstances.

The _____ and witnesses are prohibited from recording any part of the process and from

If the appeals, but the

vacation), number of witnesses, volume of information provided by the _____, compliance with requests by law enforcement involvement, and other factors.

A short delay in its investigation (several days to a few weeks) is allowed if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of _____ and/or witnesses, and/or health conditions. NJCU will promptly resume its process as soon as feasible. During such a delay, NJCU will implement and maintain supportive measures for the _____ as deemed appropriate and notify the _____ of the delay. The Title IX Coordinator must notify the _____ in writing, indicate the reason for the delay, and provide a timeframe for completing the investigation.

If a _____ or witness chooses not to participate in the _____ or becomes unresponsive, NJCU reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive _____ retain the rights outlined in this Policy and the opportunity to participate in the _____.

C. Resolution Process – Investigation and Report

The _____ involves an objective evaluation of all available _____, and not otherwise impermissible evidence, that supports that the _____ engaged in a policy violation as well as evidence that supports that the _____ did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a _____, _____, or witness. All _____ have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

The burden is on NJCU – not on the _____ – to conduct an investigation that gathers sufficient evidence to determine whether _____ has occurred.

NJCU applies the preponderance of the evidence standard of proof (_____, whether it is more likely than not that the prohibited conduct took place) to determine whether _____ occurred.

NJCU will take reasonable steps to prevent and address the _____' unauthorized disclosure of information and evidence obtained solely throughout this _____. Disclosure of such information and evidence for purposes of administrative proceedings or _____ in it th

- about specific incidents of the _____'s prior sexual conduct with the _____ that is offered to prove consent to the alleged _____ ;
- (d) Expert witnesses who are not approved by the investigator
- (e) The social security number, home address, or similar highly sensitive information pertaining to a _____, witness, or other person referenced in the grievance process, and
- (f) Any other materials prohibited by federal, state, or local law.

If the decision-maker is not persuaded based upon a preponderance of the evidence that _____ occurred, whatever the quantity of the evidence is, the decision maker will not determine that _____ occurred.

The decision-maker will notify the _____ simultaneously, or without significant time delay between notifications in writing for the determination, whether _____ occurred under this Policy using their NJCU designated email address, and will include:

- (a) A description of the alleged _____
- (b) Information about the policies and procedures that the University used to evaluate the allegations
- (c) The decision-maker's evaluation of the _____ and not otherwise impermissible evidence and determination whether _____ occurred
- (d) Information regarding sanctions that NJCU is permitted to share pursuant to state or federal law
- (e) The rationale for the written determination _____
- (f) NJCU's procedures for the _____ and _____ to appeal.

If there is a determination that _____ occurred, the Title IX Coordinator will, as appropriate:

- < coordinate the provision and implementation of remedies to a _____ and other people NJCU identifies as having had equal access to NJCU's _____ limited or denied by _____
- < coordinate the imposition of any disciplinary sanctions on a _____, including notification to the _____ of any such disciplinary actions, and _____
- < take other appropriate prompt and effective steps to ensure that _____ does not continue or recur within NJCU's program or activity _____
- < comply with the grievance procedures before the imposition of any disciplinary sanctions against a _____ ; and _____
- < not discipline a _____, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether _____ occurred. NJCU will address false statements by initiating a disciplinary process under its Code of Conduct as long as there is evidence independent of the determination whether _____ occurred.

The determination of responsibility will be sent by email using the [redacted] ' NJCU ' email address or any other email address known to NJCU.

The determination of responsibility becomes final either on the date on which the decision on appeal is issued, or, if no [redacted] appeals, the date on which an appeal would no longer be considered timely.

E.

- (g) Dismissal: Permanent termination of student status, except that a dismissed student will be permitted to apply for readmission after a period of no less than three years in matters where the decision has expressly permitted such reapplication and set forth reasonable conditions for readmission
- (h) Expulsion: Permanent termination of student status
- (i) Withholding of Degree: A student's academic degree that has been earned but not yet awarded, may be withheld until the completion of the disciplinary process as set forth in the Policy, including the completion of all disciplinary sanctions imposed
- (j) Revocation of Degree: Revoking degree awarded from NJCU for violations of the Policy committed by a student prior to graduation but discovered after the student is awarded a degree, and
- (k) Revocation of Admission: Revoking an offer of admission prior to a student enrolling at NJCU.

In addition to the sanction imposed (except for expulsion, withholding of degree, revocation of degree, and revocation of admission), NJCU will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the _____ at issue.

- < Performance Improvement Plan/Management Process
- < Enhanced Supervision, Observation, or Review
- < Required Counseling
- < Required Training or Education
- < Probation
- < Denial of Pay Increase/Pay Grade
- < Loss of Oversight or Supervisory Responsibility
- < Demotion
- < Transfer
- < Shift or schedule adjustments
- < Reassignment
- < Delay of (or referral for delay of) Tenure Track Progress
- < Assignment to new supervisor
- < Restriction of Stipends, Research, and/or Professional Development Resources
- < Suspension/Administrative Leave without Pay
- < Termination
- < Other actions that might be deemed appropriate.

Employees who are subject to a disciplinary process contained in a collective bargaining agreement with the University or an employee with disciplinary rights under the New Jersey Civil Service Law, a determination that the _____ is responsible, will be referred for

intending to appeal under this section must send a written a

Within 20 days of receipt of the non-appealing _____'s written response to the written appeal or the non-appealing _____'s failure to provide the submission, the appeal arbiter will issue an appeal decision indicating the final outcome and rationale for that decision.

A notice of appeal outcome will be sent to the _____ with the result of the appeal simultaneously, or without significant time delay between notifications, and the rationale for the result.

4. Potential Outcome of the Appeal

The appeal arbiter may, in whole or in part, modify the sanction, remand the matter for a new investigation, remand the matter for the issuance of a written determination containing new or additional analysis, or affirm the written determination.

exercise their discretion and dismiss the complaint. If the _____ is dismissed, NJCU may still provide reasonable supportive or remedial measures as deemed necessary to

totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances.

Whether the _____ knew nor should have the _____ to be physically or mentally incapacitated is significant in determination of consent in incapacitation cases. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising good judgment.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

4. *Disciplinary Sanctions* means consequences imposed on a r _____ following a determination under this Policy that the _____ violated NJCU's prohibition against _____.
5. *Education Program or Activity* is defined in Section II of the Policy.
6. *Employee* is a person employed by NJCU either full or part-time, including student-employees when acting within the scope of their employment.
7. *Parties* means _____ (s) and _____ (s).
8. *Peer Retaliation* means retaliation by a student against another student.
9. _____ is an objective standard meaning a person in the _____'s position, such as having similar characteristics/demographics to the _____.
10. *Relevant* means related to the allegations of sex-based misconduct under investigation as part of the resolution procedures. Questions are _____ when they seek evidence that may aid in showing whether the alleged sex-based misconduct occurred, and evidence is _____ when it may aid a _____ in determining whether the alleged _____ occurred.
11. *Respondent* means a person who is alleged to have violated NJCU's prohibition on _____.
12. *Resolution Process* refers to the process of investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution.

13. *Sex-based* "on the basis of sex" means conduct that is sexual in nature, or that is directed to the because of his/her/their actual or perceived sex or gender identity.

14. *Sex-based misconduct*, consisting of "sex discrimination" and " " is defined in Section V of the Policy.

15. *Student* means a person who has gained admission. Only a student can make a complaint of . d « \$

APPENDIX B

This Policy does not alter NJCU's institutional obligations under applicable federal, state or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. _____ may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point during the process that do not fundamentally alter the procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the _____, even where the _____ may be receiving accommodations in other institutional programs and activities.

If the _____ or _____ discloses a disability, the Title IX Coordinator may consult, as appropriate, NJCU's Office of Specialized Services and Supplemental Instruction.

APPENDIX C

PREGNANCY AND RELATED CONDITIONS

Rights to lactation space for NJCU _____ and _____: NJCU will ensure _____ and _____ can access a lactation space, which will be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student or employee for expressing breast milk or breastfeeding as needed.

Pregnancy accommodations for _____ and _____ also include:

Pregnant students are entitled to breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; sitting, standing, carrying or keeping water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Pregnant students are also entitled to leaves of absence for pregnancy and related conditions. Students are allowed to voluntarily take a leave of absence for _____ cc# _____ condi _____ di _____

hospital benefit, service, plan, or policy that NJCU administers, operates, offers, or participates in with respect to admitted students.

Finally, NJCU will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a class, program, or extracurricular activity unless: (1) the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; (2) NJCU requires such certification of all students participating in the class, program, or extracurricular activity; and (3) the information obtained is not used as a basis for discrimination prohibited by the Policy.

Pregnancy or related conditions will be treated as any other temporary medical condition for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

In the case of an employee with insufficient leave or accrued employment time to qualify for leave, NJCU will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee will be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Employees requesting accommodation based on pregnancy, childbirth, or a related medical condition should contact the Office of Human Resources at their school, college, or unit. The employee and the Director of Human Resources, or a designee, will engage in an

taking into account the urgency of the request, and sent to the employee in writing, either stating the accommodation, or for denials, the reason the request was denied.

Employees may be required to submit medical documentation when requesting: (1) time away from work, including for medical appointments, other than the presumptive six (for a vaginal delivery) to eight (for a caesarian section) week period following childbirth for recovery from childbirth; or (2) to work from home, either on an intermittent or a long-term basis. This requirement does not affect medical documentation requirements related to leave taken pursuant to the Family Medical Leave Act or other disability plans or policies.

Employees seeking accommodations for pregnancy, childbirth, or a related medical condition should also consult the following policies or laws:

- ◁ Pregnant Workers Fairness Act, <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>
- ◁ The New Jersey Pregnancy Act, https://pub.njleg.gov/bills/2012/PL13/220_.PDF

APPENDIX D

Confidential Employees will, in response to an individual informing them of conduct that may reasonably constitute _____ under this Policy: (1) inform the individual of the Confidential Employee's status if the Confidential Employee is operating in that role when informed; (2) provide the individual the contact information for the Title IX Coordinator; (3) explain that the individual can file a complaint with the Title IX Coordinator if they choose to do so; and (4) explain that the Title IX Coordinator could provide the individual with supportive measures, _____ with

APPENDIX E: SANCTION RANGES

Sanction Ranges The following sanction ranges apply for _____ under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the respondent's cumulative conduct record.

- < Sex Discrimination: warning through expulsion or termination.
- < Quid Pro Quo Harassment: warning through expulsion or termination.
- < Hostile Environment Harassment: warning through expulsion or termination.
- < Rape: suspension through expulsion or termination.
- < Fondling: warning through suspension (termination for employees).
- < Incest: warning through probation.
- < Statutory Rape: warning through suspension (termination for employees).
- < Stalking: probation through expulsion or termination.
- < Dating/Domestic Violence: probation through expulsion or termination.
- < Sexual Exploitation: warning through expulsion or termination.
- < Retaliation: warning through expulsion or termination.
- < Unauthorized Disclosure: warning through expulsion or termination.
- < Failure to Comply/Process Interference: warning through expulsion or termination.