STOCKTON UNIVERSITY

PROCEDURE

Sexual Misconduct Procedure

Procedure Administrator: Title IX Coordinator
Authority: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34CFR Part 106; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f).
Effective Date: August 14, 2020; September 3, 2021*
Index Cross-References: Policy 1-55 Campus Conduct Code; Policy 1-57 Campus Hearing Board; Policy 1-58 Administrative Hearing; Policy 1-120 Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/ Educational Environment; VI-28 Policy Prohibiting Discrimination in the Workplace; Procedure 6941 Interim Procedure Prohibiting Sex-Based Discrimination and Sexual Misconduct
Procedure File Number: 6940
Approved By: Dr. Harvey Kesselman, President

***This procedure remains applicable to all matters of alleged sexual misconduct alleged to have occurred prior to August 1, 2024. Procedure 6941 Interim Procedure Prohibiting Sex-Based Discrimination and Sexual Misconduct, effective August 1, 2024, applies to all misconduct alleged to have occurred on or after August 1, 2024.**

Stockton University (the "University") is an academic community committed to providing a working and learning environment free from sexual misconduct including, but not limited to, sexual assault as defined by the Violence Against Women Act (VAWA), and rape, fondling, incest, statutory rape, dating violence, domestic violence, and stalking, as defined within the Annual Security Report and under the Clery Act and VAWA. The University also is committed to providing an environment free from other forms of sexual misconduct, as listed and defined in this procedure, including, but not limited to, sexual harassment, sex discrimination, gender-based harassment, sexual violence, relationship and domestic violence, stalking, and retaliation/intimidation. The University will not tolerate sexual misconduct and strongly encourages and supports the reporting of sexual misconduct to permit the investigation and resolution of allegations in a timely, discreet, fair, and impartial manner.

This Sexual Misconduct Procedure outlines the University's commitment to address sexual misconduct, describes the prohibited conduct, as well as how to report and file a complaint of sexual misconduct, the process to investigate and resolve complaints of sexual misconduct, and the resources that are available for both Complainant and Respondent. This Procedure and the corresponding processes comply with the final Title IX regulations issued by the U.S. Department of Education's Office for Civil Rights in May 2020.

I. PROHIBITED CONDUCT AND DEFINITIONS

Sexual misconduct is a form of sex discrimination and is therefore a violation of Title IX of the Education Amendments of 1972, Titles IV and VII of the Civil Rights Act of 1964, and the laws of the State of New Jersey. Sexual misconduct is also a violation of the University's Campus Conduct Code.

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation, consistent with applicable local, state, and federal laws and regulations. Sexual misconduct includes, but is not limited to, sexual harassment; sexual assault to include rape, fondling, incest, statutory rape; dating or domestic violence; stalking; and gender-based harassment.

A. **Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation and includes rape, fondling, incest and statutory rape. Sexual assault is also any conduct proscribed by N.J.S.A. 2C:14-2 of the New Jersey Criminal Code, including any act of penetration performed or perpetrated on one person by another under circumstances indicating a lack of consent, either due to force, or an inability of one party to consent due to age, relationship, mental defect, or physical incapacitation *(see New Jersey Attorney General Standards for Providing Services to Victims of Sexual Assault, 3rd Edition).*

B. **Rape** means 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 person's consent.

C. **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

D. **Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

E. **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent. The legal age of consent in New Jersey is 16 years of age.

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

G. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

(1) A University employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University education program or activity;

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating

violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30); and

(4) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

(5) Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting such individual; or

(6) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic/work performance or creating an intimidating, hostile or offensive academic/work environment.

Examples of conduct that may constitute sexual harassment when the behavior is severe, pervasive, or persistent, include but are not limited to:

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

H. **Gender-based harassment** means non-sexual harassment of a person because of the person's sex and/or gender, including, but not limited to, harassment based on the person's nonconformity with gender stereotypes. Gender-based harassment is sexual misconduct.

I. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

J. **Domestic Violence** includes felony and indictable or misdemeanor crimes of 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 receiving grant monies, or 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. A crime of violence is an offense that involves the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony or indictable crime that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

K. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others; or suffer substantial emotional distress. 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.

L. **Other crimes:** The following crimes are also covered under this Procedure and are defined under New Jersey state law: sexual contact, lewdness, invasion of privacy, human trafficking, promoting prostitution, prostitution and cyber-harassment (when sexual in nature).

M. **Coercion / Intimidation** is prohibited. If a person refuses or does not consent to engage in sexual activity, the other party may not coerce or attempt to coerce or intimidate the person. Coercion and intimidation behaviors include, but are not limited to, persuading or attempting to persuade with the use of force or threats; causing or attempting to cause actual physical harm; threatening physical harm; spreading or threatening to spread malicious lies or rumors; disseminating or threatening to disseminate personal information, including images, texts, or electronic communications; following the person; or making harassing phone calls or online communications or posts; sending harassing, demeaning, or offensive electronic or text communications, and vandalizing the person's property.

Other Applicable Definitions

N. **Complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual misconduct.

O. **Confidential Resources** are trained designated professionals who can provide counseling, information and support under legally protected confidentiality privileges. Because these relationships involve privileged conversations, these confidential resources will not share information about a client (including whether or not that individual has received services) with the Title IX Coordinator, or any other employee of the University without the individual's express written permission, and cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure. For example, information may be disclosed when: (1) the individual gives consent for its disclosure; (2) there is a concern that the

individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor.

P. **Consent** is an affirmative, conscious, informed and voluntary agreement to engage in sexual activity. Conduct will be considered to be "without consent" if no clear verbal or non-verbal consent is given; or if an involved individual was forced, coerced, threatened, sleeping, beaten, forcefully restrained, unconscious, or unable to give consent due to age, relationship, mental defect, or mental or physical incapacitation, or incapacitation due to the voluntary or involuntary use of any drug, intoxicant or controlled substance.

Q. **Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual or gender-based harassment or misconduct.

R. **Responsible Employee(s)** is a University employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence, sexual harassment, or any other misconduct covered by this Procedure to the Title IX Coordinator; or who a student could reasonably believe has this authority or duty.

The University considers all employees to be Responsible Employees with a duty to report incidents of sexual violence, sexual harassment, or any other misconduct covered by this Procedure to the Title IX Coordinator, <u>except</u> the following individuals: employees in Counseling Services; licensed physicians and nurses; employees in the Women's, Gender, and Sexuality Center; and Osprey Advocates who are certified victim advocates. Student employees who serve in a supervisory, advisory, or managerial role are considered Responsible Employees for purposes of this Procedure (e.g., teaching assistants, residential assistants, student managers, orientation leaders, etc.).

II. APPLICABILITY AND JURISDICTION

This Procedure applies to all University employees, students, contractors and any person over whom the University has control.

This Procedure applies to sexual misconduct:

1. on University owned or controlled property;
2. at University-sponsored educational program or activities;
3. that adversely affects the University community; or
4. that threatens the health and/or safety of a member of the University community.

Sexual misconduct is a violation of Policy 1-55 (Campus Conduct Code), and the policies prohibiting discrimination and harassment in the workplace (Policy VI-28) and the academic /education environment (Policy 1-120), however, all reported incidents of sexual misconduct will be handled in accordance with this Procedure.

III. REPORTING PROCEDURES

<u>Reporting of Sexual Misconduct:</u> Any person may report sexual misconduct (whether or not the person reporting is the person alleged to be the target of sex

discrimination, sexual harassment, or sexual misconduct), in person, by mail, by telephone, or electronic means. Once a report has been made, the Title IX Coordinator or the Coordinator's designee will meet with the aggrieved party and generate a Formal Complaint, which will begin the investigation process. Waiting to report an alleged incident of sexual misconduct may hinder an investigation and delay the University's ability to respond and take appropriate action.

A person can report sexual misconduct or sexual harassment against a student; a University employee or official; or a third party who is connected to the University but is not a University employee or student (e.g. a visiting speaker, contractor).

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Any person who wishes to file a Formal Complaint of sexual harassment, sex discrimination, or sexual misconduct must do so with the Title IX Coordinator, either in person, by regular or electronic mail, or by submitting an online Incident Report using the form listed on the "Culture of Respect" website.

Individuals have a right to supportive measures, with or without the filing of a Formal Complaint.

A. Reporting Options

The Title IX Coordinator

Any individual who learns of possible sexual misconduct should report it immediately to the Title IX Coordinator; **and all employees, except those designated Confidential, are required to report alleged incidents to the Title IX Coordinator or Deputy Title IX Coordinator.** An employee who fails to comply with reporting obligations under this Procedure may be subject to disciplinary action. Employees also are cautioned that non-compliance with reporting obligations under this Procedure may increase their risk of personal liability, e.g., an individual who fails to report as required under this Procedure may be determined to be ineligible for defense or indemnification under §§59:10A-1 - 2 for any associated claims, causes of action, liabilities or damages. Students and employees can contact the Title IX Coordinator:

TITLE IX COORDINATOR:

Tammy Saunders, Director of Title IX and EEO (L-214, 609.652.4693, Tammy.Saunders@stockton.edu)

DEPUTY TITLE IX COORDINATOR(S):

Anne Crater, Investigator (L-214A, 609-652-4366, Anne.Crater@stockton.edu)

Contact the Title IX Coordinator if you:

- Have questions about Title IX and Stockton's response to sex/gender discrimination, sexual harassment, and other forms of sexual misconduct;
- Have questions about sex/gender discrimination or sexual harassment, which is a form of sex/gender discrimination under the Federal Title IX regulations and State law;
- Need guidance, assistance, or resource information on how to handle a situation that directly or indirectly affected you;
- Wish to make a report and/or formal complaint; or
- Want to provide feedback on how Stockton is fulfilling its responsibilities under this procedure.

The Title IX Coordinator will ensure that Complainants and Respondents:

- Receive a copy of the Sexual Misconduct Procedure;
- Are advised of their option to notify law enforcement and are assisted in doing so, if desired;
- Are advised of the University's obligation to thoroughly investigate and process all sexual misconduct matters;
- Are advised that even if the Complainant chooses not to pursue the complaint, the University may proceed with its investigation;
- Receive written notice of available supportive and protective measures; and
- Are advised about available resources for counseling, health, mental health, victim advocacy, and legal assistance.

Law Enforcement and Criminal Reporting

Complainants and reporters have the right to decline to notify law enforcement of an alleged incident of sexual misconduct. However, the University strongly encourages anyone who becomes aware of an incident of sexual misconduct which may be a crime to immediately report the incident to the Stockton University Police Department, to local law enforcement where the conduct occurred, or other appropriate law enforcement agencies. If off campus, call 911 to reach local law enforcement. If a reporter requests assistance, the Stockton University Police Department will help to notify other law enforcement agencies and will aid other agencies in a criminal investigation, if needed.

B. Reporting Under the Clery Act

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), 20 U.S.C. § 1092(f), an employee who has been identified as Campus Security Authority (CSA) may receive a report of sexual assault, domestic violence, dating violence or stalking, and report to the Clery Compliance Coordinator only that an incident occurred, without revealing any personally identifying information if the victim wishes to remain anonymous. Speaking to a CSA about an incident will not trigger a police investigation against the Complainant's wishes and the

Complainant will not be identified in any publicly required disclosures. The incident report will be used for statistical reporting purposes and to determine if a timely warning should be sent out to the community. Reports of sex offenses must also be reported by the CSA to the Title IX Coordinator under Title IX.

On an annual basis, the Clery Compliance Coordinator will, with assistance from the Office of Human Resources and Student Affairs, identify and notify individuals of their status as a CSA. For more information about the Clery Act, see University Procedure 6930 - Clery Act Compliance.

C. Time Frame for Reporting

There is no time limit on reporting sexual misconduct to the University, although the University's ability to respond fully may become more limited with the passage of time. If the Respondent is no longer affiliated with the University (e.g., a report is made after a student has left or graduated or an employee no longer works here), the University will still provide reasonably available Supportive Measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct.

D. Privacy and Confidentiality in Reporting

There is a distinction between reporting to a confidential resource and making a report of prohibited conduct to the University. Any individual may choose to seek support from professionals on campus or in the community who hold a legally recognized privilege of confidentiality, such as advocates, counselors, and medical health providers. Speaking with a confidential resource does not constitute a report to the University of prohibited conduct. In contrast to a confidential resource who has a legally-recognized privilege of confidentiality, all other University employees, including faculty members, are considered Responsible Employees under this procedure and are required to share information relating to a report of prohibited conduct with the Title IX Coordinator.

Confidentiality means that the information shared cannot be revealed without the express permission of the reporting individual, except where there is immediate and serious concern about the reporting individual's safety or the safety of others in the community.

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals, i.e., University employees who have a legitimate educational or administrative "need-to-know" in order to assist in the active review, investigation, or resolution of the report; the parties to an investigation under this Procedure - where required; and individuals required under applicable state and/or federal law, including the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g; 34 CFR Part 99), and/or Clery/VAWA §304. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of all individuals involved in the process.

Those wishing to speak to a confidential resource regarding an incident of sexual misconduct should note the following:

(1) Student services: Staff within the Women's, Gender, and Sexuality Center, the Osprey Advocates who are certified victim advocates, employees of Counseling Services, and the licensed physicians and nurses in Health Services will treat incidents in a completely confidential manner, except where there is immediate and serious concern about safety, either that of the person reporting or that of others.

The staff identified immediately above will only disclose to the University that an incident of sexual misconduct has occurred, **but without any personally identifying information,** except if there is immediate and serious concern about safety of the person reporting or that of others, and/or they are given permission to make an identifiable report.

Please note that Responsible Employees (i.e., all employees not identified above) **are not** a confidential resource. Responsible Employees are required to report incidents of sexual misconduct, sex discrimination, or sexual harassment to the Title IX Coordinator. A report to a Responsible Employee constitutes a report to the University - and generally obligates the University to perform an inquiry and/or investigate the incident and offer supportive measures and the opportunity to file a formal complaint.

(2) Employee services: The Stockton University Employee Assistance Plan (EAP) offers confidential consultation, assessment and referral, and short-term counseling to help staff, faculty and their household members with personal or work-related concerns including sexual harassment. EAP also provides unlimited consultation to managers and HR practitioners. Trained domestic violence counselors are available 24 hours a day, seven days a week by telephone. Contact EAP: Toll-Free: (866) 327-2400, 24 hours a day, or review available services on the Deer Oaks EAP Services website.

The privacy of the Complainant, the Respondent, and any other individuals associated with the reporting of an alleged incident of sexual misconduct will be maintained to the extent reasonably possible consistent with the law and the University's commitment to provide a safe academic environment and workplace. If the Complainant requests anonymity or non-disclosure to the alleged Respondent, or requests that the University not investigate or seek action against the alleged Respondent, the University will determine whether honoring such a request is consistent with its legal obligations, and its ability to provide a safe and nondiscriminatory environment for all community members.

The Title IX Coordinator or Deputy Coordinators will evaluate and weigh privacy requests against a range of factors, including: whether there is an increased risk that the alleged perpetrator may commit additional acts of sexual misconduct (e.g., whether there have been other sexual misconduct complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school/college/university indicating a history

of violence, whether the alleged perpetrator threatened further sexual misconduct or other misconduct against the Complainant or others, and whether the sexual misconduct was committed by multiple perpetrators). The factors considered also include an increased risk of future acts of sexual misconduct under similar circumstances (e.g., whether the Complainant's report reveals a pattern of perpetration at a given location or by a particular group), whether the sexual misconduct was perpetrated with a weapon, the age of the Complainant subjected to the sexual misconduct, and whether the University possesses other means to obtain relevant evidence (e.g., security cameras or physical evidence). If the University determines that it must disclose the Complainant's identity to an alleged perpetrator, it will inform the Complainant prior to making this disclosure.

IV. SUPPORTIVE MEASURES IN SEXUAL MISCONDUCT CASES

Supportive Measures are 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. Supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to: protect the safety of all parties or the University's educational environment and workplace, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

Supportive measures may include counseling, extensions of deadlines or other course- related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in housing locations, leaves of absence, temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management, increased security and monitoring of certain areas of the campus, and other similar measures. Depending on the situation, these measures may be provided on an interim or permanent basis.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures (e.g., where a no-contact order is appropriate and one party would need to know the identity of the other party to comply with the no-contact order, or campus security is informed about the no- contact order to help enforce its terms). The University also will communicate with the beneficiary of a supportive measure before sharing personally identifying information the University believes is necessary to provide the measure.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures; however, various University offices share responsibilities to provide supportive measures for the Complainant and the Respondent. For example:

- The Women's, Gender, and Sexuality Center (WGSC) [Room F-103] ensures confidentiality and provides advocacy and outreach to students related to

issues addressing sexual and gender-based harassment, sexual misconduct, sexual assault, dating and domestic violence, stalking, and gender and sexual identities. The staff of the WGSC provides confidentiality, following up counseling, as well as referrals, where appropriate.

- The Stockton University Police Department [Building 70] can assist in the criminal investigative process, obtain and serve restraining order(s), and transport to an off-campus medical facility.
- The Dean of Students Office [Room CC-243] may require a student to undergo an individualized safety and risk analysis in order to determine if an emergency removal is needed. The Dean of Students staff also refers students to appropriate resources.
- The Office of Student Conduct [Room F-107] offers case management services to student Complainants and Respondents. The staff works with students to identify and implement appropriate supportive measures. The staff is also available to review the grievance process with student parties. The Office of Student Conduct also offers mediation as an informal resolution option.
- Health Services [WQ-108] provides students, among other services, confidential medical assistance including arranging transportation to an off-campus facility.
- The Title IX Coordinator [L-214] among other actions, supervises the investigations of administrative Title IX complaints. As necessary, the Title IX Coordinator may conduct the administrative Title IX investigation.
- The Office of Residential Life [A-100, and AC Residential Complex] assists in identifying temporary housing or residence hall relocation if requested or needed.
- The Office of Human Resources may assist employees with the temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management, and may issue "no contact" directives pending the outcome of an investigation.

V. INFORMAL RESOLUTION PROCESS

At any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The Complainant and Respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve allegations that an employee sexually harassed a student. Prior to commencing the informal resolution process, the Title IX Coordinator or designee must provide the parties a written notice with the following information:

- Notice of the allegations contained in the formal complaint;
- The requirements of the informal resolution process including the circumstances in which the parties would be precluded from resuming a formal complaint arising from the same allegations;
- Any consequences resulting from participating in the informal resolution

process, including the records that will be maintained or could be shared. At any time prior to agreeing to resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VI. INVESTIGATION PROCESS

The Title IX Coordinator, or the Coordinator's designee, will determine whether, how and to what extent the University will conduct an investigation of an allegation of sexual misconduct. All Complainants and Respondents involved in an allegation of sexual misconduct in violation of the Campus Conduct Code will be treated with dignity, respect, and sensitivity. All investigations will be conducted in a fair and impartial manner, and any disciplinary proceedings will be prompt and equitable, allowing for all parties to participate and be heard.

A. Initial Report, Preliminary Inquiry, and Determination of Jurisdiction

Upon receiving a verbal, telephonic, electronic, or written report of a potential violation of the Campus Conduct Code related to sexual misconduct, the Title IX Coordinator will assess the report independently, or in concert with the appropriate Deputy Title IX Coordinator(s), Responsible Employee, or Third Party depending on who received the report and the facts and circumstances being alleged.

B. Investigation

Thorough, prompt, and fair investigation. The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the University and not the parties.

Assignment of Investigator(s). Whenever a formal resolution process is initiated, the Title IX Coordinator will designate investigators. The Title IX Coordinator will share the names and contact information of the investigators assigned to the investigation with the Complainant and Respondent.

The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. The Title IX Coordinator's determination in that regard is final.

A Complainant or Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.), may report those concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different investigator(s) should be assigned to the matter.

Notice of Investigation. Before any interview of the Respondent by an investigator, the Respondent will be informed in writing of the initiation of the investigation and the University's grievance process. The Complainant will similarly be notified, in writing, unless the Complainant has requested that the University not contact them. The written information will include the identities of the parties, if known, a concise summary of the alleged

misconduct at issue, the date and location of the alleged misconduct, if known, and the section(s) of the Campus Conduct Code potentially violated. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional prohibited conduct under the Campus Conduct Code.

Overview of Investigation. Upon receipt of the formal complaint or where a formal resolution process is deemed appropriate, the Title IX Coordinator/investigator(s) will promptly begin an investigation, which shall include but is not limited to the following:

(1) Conducting interviews with the Complainant, the Respondent, and any witnesses (including expert witnesses, where applicable) and transcribing such interviews in written form;

(2) Visiting, inspecting, and taking photographs at relevant sites;

(3) Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies); and

(4) Obtaining any relevant medical records pertaining to treatment of the Complainant, if the Complainant has voluntarily authorized release of the records in writing to the investigators.

Evidence. The investigator, along with assistance from the Complainant, the Respondent, and witnesses, is responsible for gathering relevant evidence to the extent reasonably possible. To this end, the parties will be asked to identify witnesses and provide other relevant information, such as documents, communications, text messages, social media postings, photographs, and other evidence. All participants are encouraged to provide all relevant information as promptly as possible to facilitate a timely resolution. If appropriate, the parties are encouraged to provide necessary releases to allow the investigator to gather additional, relevant, information.

Presumption of Non-Responsibility and Standard of Proof. The investigation is a neutral, fact-gathering process. By law, the Respondent is presumed to be not responsible. This presumption may be overcome only where the result of a University hearing is a conclusion that there is a sufficient basis, by a preponderance of the evidence, to support a finding that the Respondent violated the Campus Conduct Code. A preponderance of the evidence means that it is more likely than not, based upon the totality of all the relevant evidence and reasonable inferences from the evidence, that the Respondent violated the Campus Conduct Code.

FERPA Waivers. Students who participate in the investigation process and grievance process with a support person and/or an advisor present must complete a FERPA Waiver prior to the participation of a support person and/or advisor.

Time Frame for Completion of Investigation. The University's goal is to complete all investigations within a reasonably prompt timeframe. Some investigations may take longer due to complexity, unavailability of witnesses, or other extenuating circumstances. Should the investigation

encounter significant delay, the Title IX Coordinator or case investigator will inform the parties of the reasons for the delay and the projected timetable.

Inspection and Access to Evidence. After the gathering of evidence has been completed but prior to completion of the investigative report, the investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations that is not privileged or otherwise protected, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have ten (10) business days to submit a written response to the evidence, which will be considered by the investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing.

Investigative Report. After the 10-day inspection period, and at least ten (10) business days prior to a hearing, the investigator will complete an investigative report that summarizes all relevant evidence and send it in electronic format or hard copy to each party and the party's advisor, if any, for their review and written response. The parties may provide a written response to the investigative report within five (5) business days after receiving it.

C. Coordination with Law Enforcement

Where the University is made aware that there is a concurrent criminal investigation, the investigator will inform any law enforcement agency that is conducting its own investigation that a University investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

At the request of law enforcement, the University may agree to temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The investigator will communicate with the parties, consistent with the law enforcement request and the University's obligations, about resources and support, procedural options, anticipated timing, and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for criminal investigations are different than the standards for a violation of the Campus Conduct Code, and therefore, the University will not base its decisions solely on law enforcement reports and/or actions. Similarly, if the University determines a violation has occurred, the University will take appropriate action in accordance with applicable policies and procedures, regardless of external proceedings that may also be pending.

D. Modification of Investigation Process

The University will follow the Investigation Process described herein,

barring exceptional circumstances. The University reserves its right to adapt or modify the Investigation Process (including timelines) to ensure prompt, thorough, and equitable resolution of a report of prohibited conduct. In such instances, the University will notify all parties of the modification of the Investigation Process and, if appropriate, the circumstances requiring the adaption or modification.

E. Consolidation of Investigations

The Title IX Coordinator has the discretion to consolidate multiple reports against a Respondent and/or cross-complaints between a Complainant and a Respondent into one investigation, if the evidence related to each incident would be relevant and probative of the other(s). Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct.

VII. SUPPORT PERSON and ADVISORS

All Complainants and Respondents are permitted to have a support person and an advisor of their choice present during any grievance proceeding, including any related meeting. The advisor of choice may be, but is not required to be, an attorney. The selection of a support person and advisor is up to the individual party, provided that the support person and advisor may not be directly involved in the matter for example as a Complainant, Respondent, or witness. A party shall not select an advisor or support person with the actual or effective purpose of disrupting or attempting to disrupt the proceedings or causing emotional distress to the other party or parties.

The Complainant and Respondent must notify the meeting organizer at least two (2) business days before meeting of the attendance and names of the support person and/or advisor. The University reserves the right to have legal counsel present at any meeting.

Students who need assistance in securing an advisor should contact the Office of Student Conduct. Employees who need assistance in securing an advisor should contact the Office of Human Resources. Students and Employees will be offered access to University-trained campus advisors at no cost. In addition, free or low-cost legal aid and pro bono services may be available via Legal Services of New Jersey (LSNJ). Additional information can be found on the LSNJ website.

An individual can also choose to hire independent legal counsel to serve as an advisor. In that event, the individual is solely responsible for any fees related to the representation.

The advisor shall not perform any function in the process other than advising the party as described herein. Violations of these guidelines may result in a warning being issued to the support person or advisor by the investigator(s), administrator/staff member, or Hearing Officer overseeing the meeting/proceeding. Repeated violations may result in the support person and/or advisor being asked to leave the meeting or proceeding, and, if appropriate, any future meetings/proceedings. If an advisor is removed from a conduct proceeding, the affected party will be permitted to either use a predetermined advisor made available by the University or request to pause the proceeding for a reasonable amount of time to allow the affected party time to secure another advisor.

Role of Advisor and Support Person at Meetings and Interviews

The role of the advisor and support person at any meeting or interview is limited. The advisor and/or support person may not unduly impede the interview by interjecting, coaching, or otherwise speaking on the behalf of the Complainant or Respondent. The Complainant and Respondent, support person, and advisor may confer at any point during a meeting or interview, but the advisor and support person may not formulate specific questions, responses, or statements for the party.

Role of Advisor and Support Person During the Hearing Process

The role of the support person during the hearing process is the same as that at a meeting or interview. The role of the advisor during the hearing process is also limited, except to conduct all cross-examination questioning on behalf of their advisee. Otherwise, the advisor generally does not speak, defend, or present information or evidence on behalf of the advisee. Advisors are permitted to confer as needed with their advisee either in private or in a discreet manner.

VIII. ADJUDICATION AND GRIEVANCE PROCESS

Students and Employees are offered full protections of due process when they are accused of a violation. In student and employee conduct cases involving sexual misconduct allegations, the Procedure and the process outlined here will be followed in lieu of the Campus Hearing Board processes outlined in Procedure 1032 (Campus Hearing Board - Students) and Procedure 1033 (Employee Campus Hearing Board).

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations.

A. Evidentiary Procedures and Burdens

In connection with any investigation or hearing, both parties have the right to testify and present witnesses and evidence that is relevant to the case. Both parties will have access to the case file and evidence obtained by the University during the case investigation, or considered by the Hearing Officer, with personal identifying information or other data redacted, as required by applicable law. The burden of proof is on the University to establish that a Respondent, more likely than not, is responsible for the alleged violation. **All allegations of Campus Code of Conduct violations involving discrimination or harm to another are adjudicated using the same preponderance of the evidence standard.**

B. Pre-Hearing Interview

Sexual misconduct cases are heard by an external Hearing Officer. The University's grievance process provides for a live hearing. Prior to the live hearing both the Complainant and the Respondent will be offered the opportunity to attend a Pre-Hearing Interview (PHI) meeting.

The PHI is designed to review the hearing process, the rights of the parties, answer questions, explain the notice of charges and potential sanctions. The Respondent will be asked to enter a plea to each of the potential code violations. A Respondent may enter one of the following pleas to each violation: (1) Responsible; (2) Responsible with exception of sanctions; (3)

Not Responsible; or, (4) No Plea. Where a Respondent enters a plea other than Responsible, a live hearing will be held.

At least ten (10) business days prior to the live hearing, the parties and their respective advisors will be informed of the identity of the hearing Officer, and will receive the investigative report summarizing relevant evidence, in a secure electronic format or a hard copy, for their review. Challenges to the investigative report or other evidence must be made at the live hearing.

C. Hearing

The hearing is an opportunity for the Parties to address the Hearing Officer in person, to question the other party and/or witnesses (via an advisor) through Cross-Examination, and for the Hearing Officer to obtain information following the investigation that is necessary to make a determination of whether a Sexual Misconduct violation occurred. The Hearing Officer will receive annual training regarding the applicable University policies and procedures, the handling of sexual misconduct cases, and other relevant issues. The Hearing Officer for sexual misconduct cases is an external lawyer or judge, and not the same person as the Title IX Coordinator or the investigator(s).

The hearing will be conducted as follows:

(1) **Live or Virtual Hearing.** Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion or the request of either party, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

(2) **Privacy of Hearing.** A hearing shall be conducted in private. Admission of any person into the hearing room shall be at the discretion of the Hearing Officer. The Hearing Officer shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

(3) **Inapplicability of Rules of Procedure/Evidence.** Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings.

(4) **Opening Statements.** Each party will have an opportunity to make an opening statement. After opening statements each party will be asked to present their case, introduce evidence, and call witnesses, beginning with the Complainant and followed by the Respondent. The Hearing Officer will allow parties an opportunity to make a closing statement before concluding the process.

(5) **Advisor Required for Hearing.** If a party does not have an advisor present at the live hearing, the University will provide a University-trained advisor to conduct cross-examination on behalf of that party. An advisor of the University's choice is provided without fee or charge to a party, and the advisor may be, but is not required to be, an attorney.

(6) **Cross-Examination by Advisors.** At the live hearing, the Hearing Officer will permit each party's advisor to ask the other party and any witnesses relevant questions and follow- up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. The University reserves its right restrict the extent to which advisors may participate in the proceedings. (See Section VII, Support Person and Advisors above).

(7) **Relevancy Determinations.** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

(8) **Prior Sexual History.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

(9) **Absence/Lack of Testimony by Party or Witness.** The Hearing Officer cannot draw an inference of responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross- examination or other questions.

(10) **Recordation of Hearing.** All hearings are recorded. A copy of the hearing will be made available to the parties for inspection and review for purposes of appeal, and in accordance with State and federal laws and regulations.

D. WRITTEN DETERMINATIONS

The Hearing Officer will issue a written determination regarding responsibility within ten (10) business days following the conclusion of the hearing. In cases involving three or more parties, the Hearing Officer shall have seventeen (17) business days to issue the determination.

The written determination will include:

i. Identification of the allegations potentially constituting sexual harassment, sexual misconduct, or other conduct prohibited by the Campus Conduct Code;

ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

iii. Findings of fact supporting the determination;

iv. Conclusions regarding the application of the Campus Conduct Code and/or applicable policy to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and

vi. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The University will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

REFERRAL FOR SANCTIONS

If the Hearing Officer has found the Respondent responsible for the conduct, the written determination shall refer the case to the Office of Student Conduct (students) or the Office of Human Resources (employees) for the imposition of appropriate sanctions. The referral permits consistency in the interpretation and application of University policies, and allows review of additional factors that may be relevant as part of the sanctioning process (e.g., progressive discipline, etc.).

E. APPEALS

The University will offer both parties the option to appeal from a determination regarding responsibility, and from the University's dismissal of a formal complaint or any allegations therein, on the following bases:

i. Procedural irregularity that affected the outcome of the matter;

ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

iii. The Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

As to all appeals:

a. Parties will have seven (7) business days after receipt of the written determination to submit an appeal;

b. The University will notify the non-appealing party in writing when an appeal is filed;

c. The appeal process is a written process, not a live hearing. Parties may submit their appeal electronically to the link listed in the outcome letter;

d. All parties will have reasonable time and equal opportunity to submit a written statement in support of, or challenging, the outcome;

e. The decision-maker(s) for the appeal will not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

f. The decision-maker(s) for the appeal will be compliant with the standards set forth in state law and federal regulations, regarding training and requirements, being free from bias and conflicts of interest, and maintaining impartiality;

g. A written decision will be issued describing the result of the appeal and the rationale for the result; and

h. The written decision will be provided simultaneously to both parties.

Student Appeals:

(1) Student cases managed through the Office of Student Conduct have two levels of appeal.

i. Level One Appeals are reviewed and decided by a panel of 3 trained faculty or staff members.

ii. Level Two Appeals are reviewed and decided by the Vice President of Student Affairs when the assigned sanctions involve a suspension; or the University President when the assigned sanctions involve an expulsion.

Employee Appeals:

(1) Employee appeals are managed through Human Resources.

(2) Employee appeals are reviewed and decided by the University President or the President's designee.

(3) Upon review of the record, the President or designee will:

i. Sustain the original judgment; or

ii. Adjust the charges and/or modify the sanction; or

iii. Direct a rehearing; or

iv. Dismiss the case

Notification of Appeal Outcome: Appellant and Appellee will receive written notice of the outcome of the appeal within ten (10) business days of receipt of Appellee's response statement. The last Appeal Officer's decision is final and is not subject to further appeal.

For appeals on disciplinary issues for unionized employees, the appeal process will be read in conjunction and construed consistent with the applicable collective bargaining agreement.

IX. NON-RETALIATION

This Procedure prohibits retaliation against any Complainant, Respondent, or individual involved in the investigation of allegations of sexual misconduct. All individuals who participate or cooperate in the reporting, investigating, supporting, and adjudicating of complaints are protected from retaliation. Individuals reporting

incidents of sexual misconduct, and those reporting incidents of discrimination, harassment or violence, are all afforded the same considerations for confidentiality and privacy, and protections against retaliation.

It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Procedure, or 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. The following conduct (as well as attempts to engage in such conduct) constitutes retaliation: Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this Procedure.

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by FERPA, 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 arising thereunder. Complaints alleging retaliation may be filed under the procedures for sex discrimination, i.e., Procedure 1200 - Student Procedure Prohibiting Sexual Misconduct and Discrimination in the Academic / Educational Environment (students), and Procedure 6360 - Procedure for Internal Complaints Alleging Discrimination in the Workplace (employees).

Notwithstanding the preceding:

i. The exercise of rights protected under the First Amendment does not constitute retaliation as defined herein; and

ii. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation. A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

X. SANCTIONS & REMEDIAL MEASURES

A student or employee determined "responsible" for an act of Prohibited Conduct under this Procedure or other relevant University policy is subject to disciplinary action. A final report of hearing findings will be forwarded to the Office of Student Conduct (for students) or the Human Resources Office (for employees) to determine the appropriate sanction(s). Disciplinary action may include - but is not limited to - a reprimand, probation, deferred suspension, administrative leave - with or without pay, or temporary or permanent separation from the University. Third Parties or invitees who violate this procedure or related University policy may have their relationship with Stockton terminated and/or their privilege of being on University premises withdrawn.

Student sanctions may be applied to address specific personal growth needs pertaining to the behavior that led to violation of the Campus Conduct Code. There are three categories of sanctions: status changes; educational; and fines or restitution.

- Status changes may be applied to reflect the seriousness of a behavior and range from a minimum of a warning to a maximum of expulsion from the University. Sanctions for sexual misconduct violations typically range from a minimum of probation to a maximum of expulsion.
- Educational sanctions may include a workshop, online class, community service, training modules, etc.
- Fines are imposed for all cases with a "Responsible" finding. Fines will not exceed $50.00. Restitution may be applied if the reported incident resulted in damages to University property.

Students who seek to have sanctions deferred during the Appeal Process must make a written request to the Office of Student Conduct within 24 hours of the notice of the decision. Not all sanctions are available for deferment. Individuals who receive a sanction of expulsion are not eligible for a deferment. Deferments may also include additional restrictions as appropriate (i.e. removal from housing; class attendance only; etc.).

If a student withdraws from the University or an employee separates from the University at any time after a report has been made, the University will continue with any of the processes for informal or formal resolution, even without the party's participation.

The University may also, in its discretion, dismiss some or all of the allegations in the Formal Complaint. The determination as to how to resolve the report once a student or employee is no longer affiliated with the University will be based on the Title IX Coordinator's assessment of the actions necessary to meet its Title IX obligations, in consultation with other institutional officials as appropriate.

If a student withdraws from the University after an administrative investigation has begun but prior to a finding or resolution, an entry may, in appropriate circumstances, be made on their transcript that indicates the student has withdrawn with a disciplinary investigation or complaint pending. As noted above, the University may elect to continue with the investigation.

If an employee separates from the University after an administrative investigation has begun but prior to disciplinary charges being filed, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with an investigation pending. The University may elect to continue with the investigation.

If an employee separates after disciplinary proceedings have been initiated but prior to resolution, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with disciplinary charges pending.

XI. RECORDS RETENTION

Records of the Title IX Office and its designee(s) created and maintained under this Procedure shall be retained indefinitely by the Title IX Office (in database, digital, and/ or paper form) unless destruction or expungement is authorized by the Title IX Coordinator, or in accordance with a duly executed and binding settlement of claim, and/or by court order.

Records of the Grievance-Resolution process under this Procedure shall be maintained in the Office of Student Conduct for students or in the Office of Human Resources for employees, in accordance with retention policies of those offices.

Affirmative findings of responsibility in matters resolved through the grievance process are part of a student's conduct record and an employee's employment file. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a formal record. Discipline resulting in expulsion or extended suspension shall be maintained permanently in a student's record.

Drafts and Working Files: Drafts and "working files" are not considered records that must be maintained by the University. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their creator. An example is a draft of a preliminary investigative report submitted to the Title IX Coordinator for review prior to finalization. An example of a "working file" would be the investigator notes made during one interview with topics the investigator wants to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category.

Attorney Work-Product: Communications from the Title IX Office or its designees with the University's legal counsel may be work product protected by attorney-client confidentiality. These communications are not considered records to be maintained by the Title IX Office unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as records.

XII. PREVENTION AND EDUCATIONAL PROGRAMS

In order to reduce incidents of sexual misconduct, the University will provide students and employees with information regarding the prevention of prohibited discrimination/harassment, including sexual misconduct, and the procedure to be followed in filing complaints. In addition, the University will provide ongoing awareness and prevention programming and training for the campus community.

XIII. CONFLICT OF INTEREST

A conflict of interest may arise when a member of the University community uses or has the authority to use their position to improperly influence a University decision, action or outcome with regard to the implementation and enforcement of this Procedure, including associated investigative and disciplinary procedures. It is the responsibility of all members of the Stockton community involved in any aspect of a report of Prohibited Conduct to identify and disclose potential or actual

conflicts as they arise to the Title IX Coordinator and/or Human Resources. In the event any individual with a responsibility identified in this Procedure is a witness or has a conflict of interest that would compromise that individual's objectivity in discharging that responsibility, the University will appoint a designee.

XIV. AMENDMENT

Amendments to this Procedure to ensure legal compliance may be made by the Title IX Coordinator and Office of General Counsel and shall become effective upon publication on the Title IX Office website.

Review History:

	Date
Procedure Administrator	08/25/2021
Divisional Executive	08/25/2021
General Counsel	08/30/2021
Cabinet	09/02/2021
President	09/03/2021
*Amended	08/17/2022; 08/01/2024

*First paragraph with effective dates and cross reference to Procedure 6941 added on August 1st, 2024 to reflect Title IX Final Rule Regulations.