

# MONMOUTH UNIVERSITY POLICIES AND PROCEDURES

**Policy Name:** Sexual Misconduct Policy and Procedures

**Adopted: September 12, 2014**      **Revision Date:** January 10, 2023  
(Replacing and Superseding former Sexual Assault Policies and Procedures)

**Page 1 of 21 Pages**

**Issued by:** Office of the General Counsel

**Approved by:** President and Direct Reports

Monmouth University affirms the right of its students to participate in a community which is conducive to learning and personal growth. In order for this to be achieved, the environment of the campus needs to be one in which students feel safe and secure in their surroundings and free to explore the variety of opportunities available to them. Acts of sexual misconduct which include but are not limited to sexual assault, gender based harassment, dating violence, domestic violence, sexual harassment, sexual exploitation, and stalking pose a serious threat to this spirit of community, and as such, Monmouth University prohibits all forms of sexual misconduct and will endeavor to address these issues in the following manner.

## **I. Non-Discrimination Statement**

Monmouth University supports equal opportunity in every phase of our operation including recruitment, admission, educational programs, and employment practices of recruitment, hiring, promotion, reclassification, transfer, compensation, benefits, termination, layoff and return from layoff, social and recreational programs and any other aspects of education or employment. The University does not discriminate on the basis of race, color, creed, ancestry, national origin, nationality, sex (including pregnancy and sexual harassment), affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, marital status, domestic partnership or civil union status, age, liability for military service, protected veteran status, or status as an individual with a mental or physical disability, including AIDS and HIV-related illnesses or any other protected category under applicable local, state or federal law. The University also complies with all major federal and state laws and executive orders requiring equal employment opportunity and/or affirmative action.

Monmouth University affirms the right of its faculty, staff, and students to work and learn in an environment free from discrimination and harassment, including sexual harassment, and has developed procedures to be used to resolve discrimination or harassment

complaints. A copy of the University-wide policy on discrimination and harassment, including sexual harassment, which describes the procedures for resolving such complaints, may be obtained from:

**The Office of Equity and Diversity**

400 Cedar Avenue, Great Hall, Room 304

West Long Branch, NJ 07764

Phone: 732- 571-7577

Fax: 732-263-5140.

[www.monmouth.edu/resources/HR/OED/harass.asp](http://www.monmouth.edu/resources/HR/OED/harass.asp)

Additionally, inquiries may be made externally to:

**Office of Civil Rights (OCR), U.S. Department of Education**

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline Phone: 800-421-3481

Fax: 202-453-6012

TDD: 877-521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

**Equal Employment Opportunity Commission (EEOC)**

Contact: [www.eeoc.gov](http://www.eeoc.gov)

**Filing a Complaint**

- **Information for Complainants:**

[www.monmouth.edu/uploadedFiles/Content/University/faculty-and-staff/offices-and-services/human-resources/equity-and-diversity/complainants.pdf](http://www.monmouth.edu/uploadedFiles/Content/University/faculty-and-staff/offices-and-services/human-resources/equity-and-diversity/complainants.pdf)

- **Information for Respondents:**

[www.monmouth.edu/uploadedFiles/Content/University/faculty-and-staff/offices-and-services/human-resources/equity-and-diversity/respondents.pdf](http://www.monmouth.edu/uploadedFiles/Content/University/faculty-and-staff/offices-and-services/human-resources/equity-and-diversity/respondents.pdf)

## **II. Jurisdiction of the University**

In meeting its educational mission, Monmouth University recognizes the importance of establishing and enforcing acceptable community standards of behavior. In doing so, members of the University community should know that they will be held accountable for both their behavior and actions on-campus as well as off-campus as they relate to established laws and regulations of federal, state, and local agencies, as well as policies of the University.

In connection, individuals who are members of the University community have a responsibility to represent themselves in a lawful and responsible manner at all times, both on and off campus. It would be unreasonable to suggest that a person committing a wrong act, on or off campus, which violated both the Student Code of Conduct and Criminal statutes, could not be punished by all injured parties, e.g., the citizens of the state or local community and the University.

The University reserves the right to exercise its discretion on taking disciplinary action against students of the University when the University's reputation or its orderly functioning as an academic community are clearly involved and distinct or to protect the safety and well-being of the campus community.

## **III. Prohibited Conduct**

Monmouth University prohibits the following specified conduct:

1. Sexual Misconduct
2. Sexual Assault
3. Non-Consensual Sexual Contact
4. Dating Violence
5. Domestic Violence
6. Stalking
7. Sexual Exploitation
8. Sexual Harassment
9. Gender Based Harassment
10. Retaliation

## **IV. Definitions**

### **1. Sexual Misconduct**

Sexual Misconduct is defined as any sexual act or sexual contact upon another person without his or her explicit consent, which is a sexual offense under New

Jersey criminal law (See NJSA title 2C:14-1, et. al.). Sexual Misconduct encompasses the act of sexual assault.

## **2. Sexual Assault**

Sexual Assault is sexual penetration of another person under any one of the following circumstances: (1) under the legal age of consent, (2) with a person who is incapable of giving consent because of temporary or permanent mental or physical incapacity or (3) through the use or perception of physical force, threat, coercion.

## **3. Non-Consensual Sexual Contact**

Sexual Contact means any form of intentional touching, either directly or through clothing, of the victim's intimate parts designed to degrade or humiliate the victim or cause sexual arousal or gratification to the actor. Sexual contact can also occur when an actor intentionally touches himself or herself while in the view of and aware of the victim's presence and with the same purpose of humiliation, arousal, or self-gratification.

Non-Consensual Sexual Contact is having sexual contact with another individual without affirmative consent, when an individual is incapacitated, or by threat or force.

## **4. Dating Violence**

Dating Violence is an act of domestic violence between individuals in a social relationship of a romantic or intimate nature.

## **5. Domestic Violence**

Domestic Violence is an actual or threatened physical harm or infliction of fear of imminent physical harm upon a family member, significant other, household member, resident sharing a room, or other individual with an intimate relationship to the actor.

## **6. Stalking**

Stalking occurs when an individual engages in conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person or suffer other emotional distress. This includes cyber-stalking.

## **7. Sexual Exploitation**

Sexual exploitation refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. (E.g. observing another individual's

nudity/sexual activity; allowing another to observe nudity/sexual activity without the knowledge and consent of all participants; non-consensual streaming or distribution of images, photography, video or audio recording of sexual activity/nudity without the knowledge and consent of all participants.

## **8. Sexual Harassment**

Sexual harassment is unwelcome action, language or visual representation of a sexual nature that has the effect of unreasonably interfering with an individual's education, employment, or participation in a University activity or that creates a hostile working, educational, or living environment. A form of quid pro quo (this for that) sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or limits or denies an individual's educational or employment access, benefits, or opportunities.

## **9. Gender Based Harassment**

Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with another person's education or participation in educational programs or activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

## **10. Retaliation**

Retaliation is any adverse action taken or threatened (including intimidation, threats, harassment, and other such action) against any complainant or person reporting or filing a complaint of sexual misconduct or any person cooperating in the investigation of allegations of sexual misconduct to include testifying, assisting or participating in any manner in an investigation.

# **V. Key Terms**

## **1. Affirmative Consent**

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence

mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. (E.g. lack of consciousness, being asleep, being involuntarily restrained, or being intoxicated).

## **2. Force**

Force is the use or threat of physical violence to overcome an individual's free will to choose whether or not to participate in sexual activity or provide consent. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Coercion, intimidation, and non-physical threats can all be forms of force. Consent obtained by force is not valid.

## **3. Coercion**

Coercion is to force one to act or not act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force. Consent obtained through coercion is not valid.

## **4. Incapacitation**

Incapacitation is a physical condition where a person is unconscious or physically unable to leave or provide consent. This includes a mental condition, permanent or temporary, which makes the victim incapable of understanding the nature of the activity or unable to communicate due to a mental or physical condition.

## **VI. Reporting Process**

1. For student complaints involving faculty or non-faculty employees of the University please refer to the policies and procedures found on the following page:

<http://monmouth.edu/resources/HR/OED/harass.asp>.

2. For Student complaints involving persons who are neither students nor employees of the University please contact the following:

- Monmouth University Police Department: 732-571-4444
- The Office of Equity and Diversity (Title IX Coordinator): 732-571-7577
- The Office of Student Life: 732-571-3417

3. For complaints against students in accordance with the Student Code of Conduct please contact the following:

- Office of Student Life 732-571-3417
- Office of Equity and Diversity (Title IX Coordinator) 732-571-7577
- Monmouth University Police Department 732-571-4444

4. For student complaints involving another student(s) there are several options regarding how to proceed. These options are:

- Meeting with the Monmouth University Police Department if the incident took place on campus. (732-571-4444), or meeting with the local police department if the incident took place off campus to file a police report. (See section XIII for local law enforcement contact information).
- Meeting with the Office of Student Life to file a complaint under the Student Code of Conduct and/or to request interim measures (732-571-3417).
- File a complaint with the Title IX Coordinator/Deputy Title IX Coordinator in the Office of Equity and Diversity (732-571-7577).
- Meet with a confidential resource which includes Counseling and Prevention Services (732-571-7517) and the Health Center (732-571-3464).
- Make an anonymous report concerning an act of sexual misconduct without disclosing Complainants name or the name of the Respondent or without requesting any action. This can be done by contacting the Office of Equity and Diversity, Office of Student Life, or Monmouth University Police Department.
- A student may choose to take advantage of any or all of these options, simultaneously.
- A student may choose not to pursue any of these options.

Students who may be victims/survivors of a sexual misconduct are encouraged to report the assault to the proper authorities as soon as possible. A psychological counselor from the Office of Counseling and Prevention Services, a representative from the Office of Student Life, or an individual from the Monmouth University Police Department will assist a student in notifying the proper authorities if the student requests assistance.

Equally important, is the need for the student to seek medical attention immediately. It is critical that this be done as soon as possible to preserve any physical evidence. If a student wishes to have someone accompany the student to the hospital the student should inform MUPD, the Office of Student Life, the Office of Equity and Diversity, or a psychological counselor from the Office of Counseling and Prevention Services.

## **VII. Amnesty Policy**

In order to encourage reporting, Monmouth University will grant amnesty to a student who violates the student code of conduct (for example, the use of illegal drugs or underage consumption of alcohol) while reporting sexual assault and/or sexual misconduct. For instance a student may be engaging in underage consumption of alcohol and witness another individual being sexually assaulted. The student's should not hesitate to report the sexual assault because of their underlying violation of the student code of conduct. The University will not take action against that student for their underage consumption of alcohol because they reported a sexual assault.

This policy does not grant amnesty for students who are involved in criminal activity aside from the above mentioned violations of the student code of conduct. The University may require that the student who reported the incident attend educational remedies regarding the use of drugs and alcohol.

## **VIII. Title IX Coordinator**

Monmouth University has a designated Title IX Coordinator and a Deputy Title IX Coordinator. These employees are responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs.

### Title IX Coordinator

Nina Anderson  
Great Hall Rm 304  
732-571-7577  
[nanderso@monmouth.edu](mailto:nanderso@monmouth.edu)

### Deputy Title IX Coordinator

Amy Arlequin  
Great Hall Rm 304  
732-571-7577  
[aarlequi@monmouth.edu](mailto:aarlequi@monmouth.edu)

The names and contact information for the Title IX/Deputy Title IX Coordinators can also be found at the following page: <http://monmouth.edu/resources/HR/OED/staff.asp>.

Following receipt of notice of an alleged violation of this policy, The Title IX Coordinator/Deputy Title IX Coordinator will conduct an assessment into the allegations to ensure that the alleged Respondent does not pose a threat to the campus community. The Title IX Coordinator/Deputy Title IX Coordinator will interview all involved parties as well as any witnesses to the incident. Both the Complainant and the Respondent will be informed of the options, resources, and interim measures available to them. The Title IX Coordinator/Deputy Title IX Coordinator will notify the Complainant and the Respondent of the outcome of the assessment, in writing, within five (5) business days of the completion of the assessment. If the assessment conducted by the Title IX Coordinator/Deputy Title IX Coordinator establishes that the Respondent poses a threat



to the campus community, the University may choose to move forward under the Student Code of Conduct without the cooperation of the Complainant. The Title IX Coordinator/Deputy Title IX Coordinator cannot provide confidentiality to any parties involved in an allegation of sexual misconduct. Privacy will be provided to all parties involved to the extent that any information obtained will only be shared with people necessary to conduct the assessment. If the Title IX Coordinator/Deputy Title IX Coordinator receives an anonymous report of an alleged violation of this policy, an assessment will be conducted within the best of their ability given the information provided.

## **IX. Informal Resolution Procedures for Sexual Misconduct Complaints**

### Informal Resolution Procedures for Sexual Misconduct Complaints

The University will not use mediation or any other informal procedure to resolve cases involving allegations of sexual assault or other nonconsensual sexual contact.

In certain instances of sexual misconduct, the parties may voluntarily agree to follow an informal resolution procedure instead of the formal resolution procedure. The Title IX Coordinator or designee will determine whether a matter is appropriate for an informal resolution process and whether any proposed resolution as a result of an informal resolution process is appropriate. If a matter is deemed to be appropriate for an informal resolution process, the Title IX Coordinator or designee may arrange for or facilitate mediation between the parties or coordinate other voluntary informal resolution.

Informal resolution procedures are optional and may be terminated at any time by any of the parties involved or the University and the matter may be referred to the formal hearing procedure. Any agreements that are made during the informal resolution procedure must be documented, signed by the involved parties and the Title IX Coordinator or designee. In the event that no agreement is reached, the matter may be referred to the formal hearing procedure for further action.

All parties may have an advisor of choice at all meetings during the informal resolution process.

## **X. Procedures for On-Campus Disciplinary Action under the Student Code of Conduct**

### **1. Timeframes**

A Complainant (student, employee, or 3<sup>rd</sup> party) who is a victim of prohibited conduct by a student may file charges against any student of the University for that Prohibited Conduct. Persons wishing to file charges based on the Student Code of Conduct must do so through the Office of Student Life. The Assistant Vice President

for Student Life Dean of Students or another judicial officer will conduct an investigation into the matter to ascertain the particular facts of the case. The investigation is a prompt, fair, impartial process that provides an equal opportunity for the parties to provide information and identify relevant witnesses. In sexual misconduct cases mediation is not an option.

The University will seek to resolve every report under this policy within sixty (60) calendar days of an initial report, not counting any appeal. The University recognizes that each case has its own unique circumstances and timeframes for each stage of the process may vary depending on the details of a case. The University may extend any timeframe for good cause, with a written explanation to the Complainant and Respondent.

The University's process for responding to, investigating, and adjudicating reports under this policy will continue during any law enforcement proceeding or civil proceeding. The University generally will not wait for the conclusion of any related criminal proceeding. However, brief delays may occur to allow law enforcement to gather initial evidence.

## **2. Interim and Final Remedial Measures**

In all cases the University will take appropriate steps designed to mitigate the effects of the alleged prohibited conduct, prevent its reoccurrence, and make accommodations for the complainant(s) and respondent(s). These measures will be applied in a manner equitable to all parties involved. Such measures may include but are not limited to offering:

- Academic accommodations (e.g. changing a student's academic schedule, allowing a student to withdraw from or retake a class without penalty, or providing access to tutoring or other academic support).
- Residential accommodations (e.g. changing a student's campus residence).
- Work accommodations (e.g. adjusting a student's work schedule for University employment).
- Issuance of a "no contact" letter through the Office of Student Life. The duration of these letters may vary depending on the particular situation in which they are issued and may be permanent.
- Training and educational materials for the campus community.
- Protective measures (e.g. interim suspension of the Respondent).

Any decisions regarding interim measure shall be made by the Office of Student Life in consultation with relevant University administrators. Such action may be taken in the immediate aftermath of an incident and/or while an investigation or a disciplinary action is pending. It is not necessary to file a complaint under this Policy, participate in the adjudication process, or file a criminal complaint in order to request services or accommodations from the University. Students may request accommodations even in cases where the victim has requested that no investigation be undertaken.

The Title IX Coordinator/Deputy Title IX Coordinator will seek to minimize unreasonable burdens on either party; however, reasonable efforts will be made to allow the parties to continue their academic, University housing, and/or University employment arrangements. The University will provide information about any interim measures and accommodations implemented only to those who need to know in order to make them effective.

#### **XI. Hearing, Determination, and Outcome**

The Office of Student Life will provide simultaneous written notice of the charges, date and time of the hearing and the name of the hearing panel members to the Complainant and the Respondent no less than five (5) business days prior to the hearing. The hearing panel will be comprised of two members of the administration and one faculty member from the University Disciplinary Committee. Both the Respondent and the Complainant will have an opportunity to object beforehand to the panel members. The Respondent may NOT waive their right to a hearing. The “preponderance of the evidence” standard will be used to make determinations in hearings. This means determining whether “is it more likely than not” that a violation of the Student Code of Conduct occurred.

The Respondent and the Complainant have the right to review any information provided to the University that will be used during the disciplinary proceedings. Both the Respondent and the Complainant have the right to submit written statements as to their account of the matter. Upon request accommodations may be made to limit face-to-face contact between the respondent and the complainant during disciplinary hearings. In addition, both parties to the matter are entitled to have one advisor of choice. However, a person who will be a witness in the hearing may not also serve as an advisor. Each party is responsible for presenting their own information and therefore, advisors are not permitted to speak or participate directly in any meeting or hearing but are only allowed to provide support and/or guidance directly to their respective party. The parties should select an advisor who has a schedule which will allow attendance at the scheduled dates and times for meetings and hearings. Delays will not normally be permitted due to the scheduling conflicts of an advisor. The Title IX Coordinator and judicial officer must be notified by the parties at least two (2) business days prior to any scheduled meeting or hearing if they plan to have an advisor present for the meeting or hearing and if so, the

identity of the advisor. The Title IX Coordinator, their designee and the judicial officer reserve the right to remove an advisor from any meeting or hearing for violation of this policy.

### **1. Request for Accommodations**

All students with disabilities who are involved in the student conduct process including complainants, respondents, supporters, and witnesses may seek accommodations for any stage of the student conduct process, including hearings, conduct meetings, investigations, and any pre-hearing meetings. Any student requesting an accommodation must do so far enough in advance to allow the request to be reviewed and an appropriate accommodation identified and implemented. Accordingly, each student seeking an accommodation is strongly encouraged to do so as early as possible in the student conduct process. To request an accommodation please refer to the policy on the following page:

<https://www.monmouth.edu/university/current-students.aspx>

### **2. Statement of Witnesses**

Any persons having specific knowledge of the matter may be called as witnesses. Every effort will be made to obtain names and written statements of witnesses and documentary evidence for both the complainant(s) and the respondent(s). If available these documents must be submitted to the Office of Student Life at least five (5) business days prior to the hearing. The hearing panel may preclude the testimony of any witness who does not submit a statement in conformance with this requirement if, in the opinion of the hearing panel, allowing such testimony would substantially impair either the complainant's or the respondent's ability to effectively present their case. In making this determination the hearing panel shall consider such factors as the reasons why a statement was not on file, the nature of the testimony summarized in the proposed witness's statement prior to the hearing, and other appropriate factors.

### **3. Control of the Hearing Proceedings**

The presiding hearing officer shall exercise control over the manner in which the hearing is conducted to avoid unnecessary lengthy hearings and to prevent harassment or intimidation of witnesses. Anyone who disrupts a hearing or who fails to adhere to hearing guidelines may be excluded from the proceedings and is subject to disciplinary action.

### **4. Burden of Proof**

A preponderance of the evidence standard shall be applied. Therefore it must be established that it is more likely true than not true that the alleged violation took

place. It should be noted that the resolution is not dependent upon the number of witnesses who testify on either side, but rather on the credibility and weight which is attributed to such testimony.

### **5. Privacy of Hearings**

The hearing shall be conducted in private. People not directly involved in the hearing are excluded from the proceedings.

### **6. Questions during Hearings**

The hearing panel may address questions to any party during the proceedings or to any witness called by the parties or by the hearing panel. Complainants and Respondents may address their questions of witnesses through the hearing panel, which shall have the discretion to decide whether the question will be posed to the witness.

### **7. Evidence for Consideration**

Pertinent records, exhibits, and written statements may be received as evidence for consideration by the hearing panel at the discretion of the chairperson. If available these documents must be submitted to the Office of Student Life at least five (5) business days prior to the hearing. Both the Respondent and the Complainant will receive copies of such and will be given a similar, timely opportunity to review the documents.

### **8. Appearance of Witnesses**

The hearing panel may require the presence of witnesses by sending them a letter via hand-delivery or certified mail, return receipt requested or via email with a read/received receipt. University students and employees are expected to comply with such requests unless a verified hardship would result.

### **9. Failure to Appear at Hearings**

The failure of individuals charged with misconduct to appear at a hearing after proper notice will not prevent the hearing from taking place or invalidate the outcome.

### **10. Recording of Hearings**

A recording of the hearing shall be made. The recording will be under the control of the Vice President for Student Life and Leadership Engagement. A request to review the recording must be made in writing and the recording must be reviewed in the Office of Student Life.

## **11. Determination of the Hearing**

Within five (5) business days after the hearing deliberations are completed, the hearing panel shall determine (by majority vote) whether the Respondent has violated the Student Code of Conduct. The Chairperson on behalf of the hearing panel, shall prepare a written report to the Vice President of Student Life and Leadership Engagement or their designee consisting of: a statement of charges, evidence presented to the panel, the decision of the hearing panel and the sanctions imposed.

## **12. Notification of the Hearing Board Decision**

The Vice President or their designee will notify both the Complainant and the Respondent simultaneously in writing of the hearing panel's decision within five (5) business days of the receipt of the decision. The President of the University will also be notified of the decision.

## **XII. Appeals Process**

An appeal shall be limited to the review of the verbatim record of the initial hearing and supporting documents unless a further hearing is required to receive and evaluate new evidence. An appeal may be initiated for one or more of the following purposes:

1. The hearing process as described in the code was materially violated in such a manner that the outcome could have been affected.
2. A violation of individual/organization rights as outlined in this document.
3. Submission of new evidence sufficient enough to alter a decision, or other relevant facts not brought out in the original hearing because such facts were not known to the person appealing at the time of the original hearing.
4. To determine if the sanctions imposed were appropriate for the violation(s) of the Student Code which the student was found to have committed.

A decision reached by a hearing panel or a sanction imposed may be appealed by either party. The appeal must be submitted in writing to the Vice President of Student Life and Leadership Engagement or their designee within five (5) business days of the finding by the hearing panel.

1. The appeal and any supporting documentation shall be sent to the opposing party for review. The opposing party shall be given five (5) business days to submit a reply.
2. The Vice President or their designee shall review the matter and render a decision on the appeal within twenty (20) business days from receipt of the written appeal. The Vice President or their designee shall make a final decision on the case.

Following the Vice President's or their designee's decision the matter shall be concluded with no further recourse.

All deadlines and timeline requirements set forth in this section may be extended for good cause. Both the respondent and the complainants will be notified in writing of any delay and provided the date of the new deadline.

### **XIII. Sanctions for Sexual Misconduct**

In accordance with the Student Code of Conduct, the following sanctions may be imposed by a hearing board or officer on a student found to have violated the sexual offense section in the code.

a. **Fine**—a monetary fine may be imposed as part of a student's sanction. Fines are payable within a prescribed period of time to the Office of Student Life.

b. **Disciplinary Probation**—May include, but not be limited to, the possible exclusion or restricted participation in privileges or extracurricular University activities for a specified period of time including the possibility of more severe sanctions in the event of further violation of University regulations during the period of probation.

c. **Education/Service Work**—a requirement to participate in an educational program or to perform a number of service work hours. Included in this sanction may be a requirement to participate in a psychological consultation/ assessment and/or counseling.

d. **Residence Hall Probation**—a defined period of time whereby a student living in residence is given an opportunity to modify their behavior without further violations.

e. **Residence Hall Suspension**—separation from the residence halls for a defined period of time.

f. **Residence Hall Expulsion**—permanent separation from the residence halls.

g. **Suspension**—separation of the student from the University for a definite or indefinite period of time. This action will be on record in the disciplinary files of the Vice President for Student Life and Leadership Engagement.

h. **Expulsion**—permanent separation of the student from the University. This action will be permanently recorded in the files of the Vice President for Student Life and Leadership Engagement.

## **XIV. On- Campus Resources**

### **1. Confidential Resources**

Victims of sexual assault or sexual misconduct are encouraged to report any crime to the police. Should a victim prefer that details of an incident be kept confidential, they are encouraged to seek on-campus services through Counseling and Prevention Services (732-571-7517) or Health Services (732-571-3464). These resources can offer confidential emotional and medical support.

Disclosure of the details of sexual assault or sexual misconduct to **any other office** on campus requires that the office share the information with individuals on campus responsible for such matters. The University will keep the information concerning an incident of prohibited conduct and the individuals involved as private as possible however, any office or individual outside of a confidential resources cannot provide confidentiality.

#### **a. Counseling and Prevention Services**

Student Center 3<sup>rd</sup> Floor - 732-571-7517

Hours of Operation:

Monday-Friday: 8:45 a.m. – 5:00 p.m.-mail:

[mucounseling@monmouth.edu](mailto:mu counseling@monmouth.edu)

[www.monmouth.edu/counseling](http://www.monmouth.edu/counseling)

#### **b. Campus Health Services**

Birch Hall

Hours of Operation:

Monday-Thursday: 8:00 a.m. – 7:00 p.m.

Friday: 8:00 a.m. – 5:00 p.m.

### **2. Office of Student Life**

Student Center Room 206 - 732-571-3417

Hours of Operation:

Monday-Friday: 8:45 a.m. – 5:00 p.m.

<http://www.monmouth.edu/university/student-services.aspx>

### **3. Office of Equity and Diversity/Title IX Coordinator**

Great Hall Room 304 - 732-571-7577

Hours of Operation:

Monday-Friday: 8:45 a.m. – 5:00 p.m.

<http://www.monmouth.edu/university/equity-and-diversity.aspx>



**4. Office of Judicial Affairs**

Student Center Room 212 - 732-263-5218

Hours of Operation:

Monday-Friday: 8:45 a.m. – 5:00 p.m.

<https://www.monmouth.edu/judicial-affairs/>

**5. Office of Residential Life**

600 Building - 732-571-3465

Hours of Operation:

Monday-Thursday: 8:45 a.m. – 5:00 p.m.

[www.monmouth.edu/reslife](http://www.monmouth.edu/reslife)

**XV. Off-Campus Support Services**

**1. Monmouth Medical Center**

300 Second Ave, Long Branch, NJ 07740

Emergency Care: 732-923-7300/7328

[www.barnabashealth.org/Monmouth-Medical-Center.aspx](http://www.barnabashealth.org/Monmouth-Medical-Center.aspx)

**2. 180 Turning Lives Around**

Hazlet, NJ

Sexual Assault Hotline- 1888-264-RAPE (7273) or 732-264-RAPE

180nj.org

**3. Rape, Abuse, and Incest National Network (RAINN)**

National Sexual Assault Hotline- 1800-656-HOPE

[www.rainn.org/get-help/national-sexual-assault-hotline](http://www.rainn.org/get-help/national-sexual-assault-hotline)

**4. NJ Coalition Against Sexual Assault (NJCASA)**

24 Hour State Hotline- 1-800-601-7200

[www.njcasa.org/sexual-violence-nj/sexual-violence-programs](http://www.njcasa.org/sexual-violence-nj/sexual-violence-programs)

**5. National Coalition Against Domestic Violence**

1-303-839-1852

## **XVI. Police**

### **1. Monmouth University Police**

732-571-4444

### **2. Long Branch Police Department**

732-222-1000

### **3. West Long Branch Police Department**

732-229-5000

### **4. Ocean Township Police Department**

732-531-1800

### **5. Emergencies**

Dial 911

## **XVII. Prevention and Awareness Programs**

The University sponsors educational programs to promote awareness of all forms of sexual misconduct throughout the year. Specific programs are included during New Student Orientation and twice a year in the fraternity and sorority education program. All incoming freshman students are required to complete our online educational program, SPARC. The program is made available to all students and employees and participation is strongly encouraged. This program focuses on consent, bystander intervention and healthy relationships. Annually, a week of educational programming is held on campus called Hawks United Week. Programming during this week focuses on the prevention and awareness of sexual misconduct on our campus. During this week presentations and performances are held as well as passive programming. The topics addressed during this week include but are not limited to sexual assault, domestic violence, dating violence, stalking, and bystander intervention. In addition, programs will be conducted by the Office of Counseling and Prevention Services, the Office of Equity and Diversity, the Office of Student Life and Residential Life. Printed material on the subject will also be distributed to all incoming first-year residential students at move in and at ID pick up for commuter students. Information will also be available in the Office of Student Life, Health Services, Office of Equity and Diversity, and the Office of Counseling and Prevention Services. Further information on the Sexual Assault Policy and Procedures may be obtained by contacting the Offices of Student Life, University Police, The Office of Equity and Diversity, and the Office of Judicial Affairs.

## **XVIII. Training**

The Office of Equity and Diversity provides numerous trainings throughout the year to both students and employees to ensure they are familiar with and understand the Universities' policies and procedures on sexual misconduct. All individuals responsible for implementing sexual misconduct policy, investigating, and determining violations of this policy will receive annual training on relevant topics and how to conduct investigations and disciplinary proceedings that protect the safety and respectful treatment of all parties and promote accountability to the Monmouth community.

## **XIX. Policy Compliance**

Any person with a concern about the Universities' handling of a particular matter should contact the Universities' Title IX Coordinator, Nina Anderson – 732-571-7577.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

# **CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS**

## **I. INTRODUCTION**

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the university community in achieving these ends. The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault, and non-consensual sexual contact, respect for the individual and human dignity are of paramount importance. The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures, and services designed to insure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

## **II. BILL OF RIGHTS**

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

- On the campus of any public or independent institution of higher education in the state of New Jersey; and
- Where the victim or alleged perpetrator is a student at that institution; and/or
- When the victim is a student involved in an off-campus sexual assault.

“Campus authorities” as used in this act shall mean any individuals or organizations specified in an institution’s statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses.

### **A. HUMAN DIGNITY RIGHTS**

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

## **B. RIGHTS TO RESOURCES ON/OFF-CAMPUS**

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

## **C. CAMPUS JUDICIAL RIGHTS**

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

## **D. LEGAL RIGHTS**

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

## **E. CAMPUS INTERVENTION RIGHTS**

- To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
- To be notified of the options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

## **F. STATUTORY MANDATES**

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document.
- Nothing in this act or in any “Campus Assault Victim’s Bill of Rights” developed in accordance with the provisions of this act, shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.