STUDENT SEXUAL MISCONDUCT AND HARASSMENT POLICY

Student members of the University community have the right to access and benefit from the educational and other programs and services of the University free from any form of sexual violence, harassment or exploitation. Rowan University does not tolerate sexual misconduct or harassment of any kind. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy applies to complaints alleging sexual misconduct or harassment carried out by students and visitors. Complaints against Rowan’s employees and vendors will be handled under the Employee Sexual Misconduct and Harassment Policy, which incorporates the New Jersey Policy Prohibiting Discrimination in the Workplace. Questions regarding this policy should be directed to Bindu Jayne, Rowan’s Title IX Coordinator, at 856-256-5440.

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in the University’s programs and activities. It reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." As a recipient of Federal financial assistance, Rowan University has jurisdiction over complaints alleging sex discrimination, including sexual harassment and sexual violence. Incidents of sex discrimination may also violate the New Jersey Law Against Discrimination, N.J.S.A 10:5-1 et seq.

When an alleged violation of this policy is brought to the attention of the University, the University will promptly take effective steps to end the behavior that is in violation, prevent further violations by the perpetrator(s), and remedy the effects of the violation on the Complainant and others, if appropriate. In the event that a complainant elects not to report or is unable to report the violation, the University will undertake reasonable efforts to investigate what occurred.

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct or harassment in order to protect students’ rights and the personal safety of members of the community. While the University’s investigation is pending, the University will offer interim measures to protect the Complainant(s) and others. Interim measures may include but are not limited to: safety plan development (including escorts, special parking arrangements, providing a temporary cellphone), no contact directives, interim suspension from campus or residence privileges, modification of living arrangements, change of on-campus student housing assignment, exam (paper or assignment) rescheduling, taking an incomplete grade in a class, transferring of class sections, alternative course completion options, changing transportation and working situations, assistance with the University disciplinary process, referrals to on-campus resources or reporting to police. The University will maintain as confidential any protective measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the protective measures. These measures can be offered regardless of whether or not the Complainant chooses to report the crime to Rowan Public Safety or local law enforcement. If the University’s investigation establishes that a violation of the policy has occurred, the University will offer remedies to the Complainant, which may include, but are not limited to, the measures listed above.

This policy applies to all prohibited conduct that occurs on University property (i.e., on campus) and in the local vicinity. It also applies to conduct that occurs off of University property (i.e., off campus) if the conduct occurred in the context of University-sponsored programs or activities, such as University field trips, travel, research, internship programs, and study abroad programs. Even if the off campus conduct did not occur in the context of a University program or activity, the University will consider whether the off campus conduct has a continuing adverse effect or could contribute to a hostile environment on campus.

I. Prohibited Conduct

Any of the following forms of behavior will be considered a violation of this policy.

Sexual/Gender-Based Harassment Offenses

Sexual/gender-based harassment is unwelcome sexual or gender based verbal or physical conduct that unreasonably
interferes with or deprives others of their right to access and benefit from the educational and other programs and services of the University. Sexual violence is a form of sexual harassment. Sexual harassment offenses fall into two general categories.

Hostile Environment- harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it substantially interferes with the conditions of education or employment, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint. The determination of whether an environment is “hostile” will be based on all of the circumstances. These circumstances could include but are not limited to:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;
- whether the conduct was directed at a specific individual or more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged Complainant’s educational or work performance;
- whether the statement is an utterance of an epithet which offends an employee or student, or offends by discourtesy or rudeness; or
- whether the speech or conduct is excluded from the protections of free speech or academic freedom.

Quid-pro-Quo - A violation of this type exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- submission to or rejection of such conduct results in adverse educational access or employment action

Sexual Misconduct Offenses and Definitions

Sexual Assault is any offense that meets the definitions listed below for rape, fondling, incest or statutory rape.

1. Non-Consensual Sexual Contact- any intentional sexual touching, however slight, with any body part or any object, without the consent of the victim.
   a. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

2. Non-Consensual Sexual Intercourse or Penetration (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 consent of the victim.
   a. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
   b. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

3. Sexual Exploitation – behavior that takes non-consensual sexual advantage of any person to benefit any other person when the behavior does not otherwise constitute a sexual misconduct violation. Examples of sexual exploitation include, but are not limited to:
   - prostituting another person;
   - non-consensual video or audio-recording of sexual activity, or transmitting or distributing video or audio-recordings without permission;
   - voyeurism or spying on persons where they have a reasonable expectation of privacy;
   - knowingly transmitting a sexually transmitted infection or HIV to another person;
   - stalking with a sexual component. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
In the State of New Jersey, sexual assault is defined under N.J.S.A. 2C:14-2.

4. **Other Sexual Misconduct** – inappropriate sexual behaviors not covered previously in this section. Examples include but are not limited to sexual activity in public places.

5. **Domestic violence** means a felony or misdemeanor crime 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 in which the crime of violence occurred, 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 in which the crime of violence occurred.

In the State of New Jersey, domestic violence is defined under 2C:25-19.

6. **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.
   - The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
   - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

In the State of New Jersey, dating violence is defined under 2C:25-19(d).

7. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for his or her safety or the safety of others; or suffer substantial emotional distress.
   - (A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly,
   - c. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

1. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim. Sexual assault is a crime of the second degree.


3. Under 2C:25-19(d), "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
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.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

In the State of New Jersey, stalking is defined under 2C:12-10.4

II. Consent

In order for individuals to engage in sexual contact of any kind, there must be clear consent between the individuals involved.

- The person giving consent must be capable of doing so freely, with the ability to understand what they are doing and the specific details (who, what, when, where and how) of the sexual contact they are consenting to.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- It is the obligation of the person initiating sexual contact to obtain clear consent for the specific type of sexual contact sought.
- Silence or passivity without words or actions that communicate mutually understandable permission cannot be assumed to convey consent.
- Consent for one form of sexual contact does not imply consent to other forms.
- Past consent does not constitute consent for future sexual activity. Use of violence, threats, coercion, or intimidation invalidates any consent given.
- Persons who are incapacitated due to the use of drugs or alcohol cannot give consent.
- Consent cannot be given by a person who is unconscious or sleeping. If consent has been given while a person is conscious or awake, and then that person becomes unconscious or falls asleep, consent terminates at that point.
- Persons, who are unable to give valid consent under the law (i.e. minors, individuals with mental health disabilities), will be considered unable to give consent under this policy.
- The University will apply a reasonable person standard in determining whether or not consent was given and whether a person was incapacitated, unless otherwise required by law.

In the State of New Jersey, consent in relation to sexual activity is defined under 2C:2-10.5

III. Reporting Options

Students and those who have knowledge of sexual misconduct or harassment are strongly encouraged to report this information as soon as possible. Prompt reporting of incidents greatly improves the ability of the University and law enforcement to provide support resources to victims and to address the violations effectively. Although there is no time limit for reporting sexual harassment or misconduct offences, delays in reporting may reduce the ability of the University and law enforcement to investigate and respond to incidents. As time passes, evidence may dissipate or

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4 Under 2C:12-10, “A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.”

5 In relation to consent for sexual activity, 2C:2-10 provides:

a. In general. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

b. Consent to bodily harm. When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if:

   (1) The bodily harm consented to or threatened by the conduct consented to is not serious; or
   (2) The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or
   (3) The consent establishes a justification for the conduct under chapter 3 of the code.

c. Ineffective consent. Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if:

   (1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or
   (2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or
   (3) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.
become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. Students can use the Title IX Complaint Form to report an incident. The complaint should contain a concise statement of the alleged violations of the Student Sexual Misconduct and Harassment Policy and a detailed statement of the facts supporting the alleged violations.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Kennedy University Hospital, Washington Township, for Glassboro campus, Cooper University Hospital, Camden, for CMSRU and Kennedy University Hospital, Stratford for RowanSOM campus in Stratford. In New Jersey, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

Where criminal behavior is involved, the University encourages, and will assist victims with, reporting to law enforcement. However, victims have the right to decline notifying law enforcement. A victim may choose to report to the University before they have made a decision about whether or not to report to law enforcement. A victim has the right to file a criminal complaint and a Title IX complaint simultaneously. For criminal offenses that occur on the University campus, victims should immediately contact Rowan Public Safety, 856-256-4911. Rowan Public Safety can assist victims in contacting and filing a complaint with any other agency when the incident did not occur on campus:

- Glassboro campus - Glassboro Police Department, 1 South Main Street, Glassboro, NJ 856-881-1500 http://www.glassboroonline.com/public/police-department
- Camden campuses - Camden County Metro Police, 800 Federal Street, Camden, NJ 856-757-7440 http://camdencountypd.org

Rowan University complies with New Jersey law in recognizing orders of protection, Temporary Restraining Orders (TRO) and Final Restraining Orders (FRO). The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with campus law enforcement, local law enforcement and the appropriate county services which lay in each county. Family court will provide a copy of the order to Campus Police and the Office of the Title IX Coordinator.

While compliance with the law is everyone’s responsibility at Rowan, listed below are the staff members who have primary responsibility for Title IX compliance. Rowan University has designated the Assistant Vice President of Equity and Diversity as the Title IX Coordinator for all matters related to sexual discrimination at the University and to coordinate the efforts of the University to comply with the Title IX law. Complaints of sexual misconduct or harassment and Title IX Complaint Forms can be filed with any of the following University administrators:

**Title IX Coordinator**

Bindu Jayne, J.D.
Assistant Vice President of Equity and Diversity/
Chief Equity Compliance Officer
Office of Equity and Diversity, 124 Linden Hall
856-256-5440
jayneb@rowan.edu

Responsibilities: Monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for
faculty, staff, students and other members of the University community. The Assistant Vice President should be contacted for all complaints against faculty, staff and visitors, including those complaints filed by students. Develop and participate in activities to raise awareness regarding sex/gender issues and related institutional policies.

**Title IX Manager**
Nyssa Taylor
Title IX Manager
Office of Equity and Diversity, 121 Linden Hall
856-256-5831
taylorny@rowan.edu
Responsibilities: Providing key assistance in the implementation of Title IX compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

**Title IX Deputy Coordinators**
For Students:
Dr. Penny McPherson-Barnes
Assistant Vice President for Academic Enrichment/Director of EOF/MAP
EOF/MAP Office, 345 Savitz Hall
856-256-4086
barnesp@rowan.edu
Mr. Joseph Mulligan
Assistant Vice President for Civic Involvement
Student Center 2nd floor
856-256-4242
mulligan@rowan.edu
Mr. Travis Douglas
Assistant Vice President for Residential Learning and Inclusion Programs
Savitz Ground Floor
856-256-4266
douglast@rowan.edu
Responsibilities: Compliance for matters involving students, including training, education, communication, and administration of grievance procedure for all complaints against students.

For Athletics:
Ms. Penny Kempf
Associate Athletic Director
Athletics Office, Esby Gym
856-256-4679
kempf@rowan.edu
Responsibilities: Compliance for matters involving complaints about gender equity and sexual misconduct in Rowan athletic programs.

For Cooper Medical School of Rowan University:
Ms. Marion Lombardi
Chief Student Affairs Officer
Room 366
CMSRU Medical Education Building
Camden, NJ
856-361-2850
lombardim@rowan.edu
Responsibilities: Compliance for matters involving students of Cooper Medical School of Rowan University, including training, education, communication, and administration of grievance procedure for all complaints against students.
For Rowan University School of Osteopathic Medicine:
Ms. Paula Watkins
Director of Enrollment Services
Admissions Office, Suite 210 Academic Center
One Medical Center Drive
Stratford, NJ
856-566-7050
Email: fennerpa@rowan.edu
Responsibilities: Compliance for matters involving students of Rowan University School of Osteopathic Medicine, including training, education, communication, and administration of grievance procedure for all complaints against students.

For Graduate School of Biomedical Sciences:
Dr. Diane Worrad
Director
42 East Laurel Road
UDP, Suite 2200
Stratford, NJ
856-566-6282
Email: worrad@rowan.edu
Responsibilities: Compliance for matters involving students of Graduate School of Biomedical Sciences, including training, education, communication, and administration of grievance procedure for all complaints against students.

For complaints in which an employee is involved, in addition to filing a complaint with the University’s Office of Equity and Diversity, victims have the right to file a complaint with the New Jersey Division of Civil Rights or the U.S. Equal Employment Opportunity Commission. A copy of the New Jersey Policy Prohibiting Discrimination in the Workplace and the corresponding Model Procedures is available in the Office of Equity and Diversity or at the website: www.rowan.edu/equity.

Anonymous Reporting
Although the University strongly encourages students to report incidents of sexual harassment or sexual violence to University officials, students can call the 24 hour Alertline to anonymously report incidents of sexual misconduct, sexual harassment or sexual violence by calling 855-431-9967 or logging on to rowan.edu/integrityline. Students should be aware that if they provide personally identifying information (i.e., names, telephone numbers, dorm room numbers, etc.) in the anonymous report, the University may have an obligation to investigate the report.

Other Services for Victims at Rowan and in the Surrounding Community
The University will provide written notification to victims about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services that are available at Rowan and in the surrounding communities. Some of those services are listed in this policy, and they include, but are not limited to:
- http://www.centerffs.org/serv/serv-sexual-violence-services - SERV (Services Empowering Rape Victims)
- www.rainn.org – Rape, Abuse and Incest National Network
- www.ovw.usdoj.gov/sexassault.htm - Department of Justice
- www2.ed.gov/about/offices/list/ocr/index.html - Department of Education, Office of Civil Rights

IV. Retaliation
Title IX prohibits retaliation. Any harassment or adverse employment or educational action taken against a person because of that person’s participation in a complaint or investigation of discrimination or sexual misconduct is a violation of this policy, and will result in immediate action by the University to stop the retaliatory behavior, prevent further violations by the perpetrator(s), and remedy any adverse impact of the violation.

V. Confidentiality
When the University is made aware of a report or allegation of sexual misconduct or harassment, the University will endeavor to maintain the confidentiality of the matter and of all individuals involved to the extent permitted by law. The University will balance the needs of the individuals involved (Complainant and Respondent) with its obligation
to fully investigate allegations and to protect the safety and wellbeing of the community at large. In all cases, the University and its employees will respect the dignity and rights of all individuals involved.

When consulting campus resources, students should be aware that certain campus authorities are Responsible Employees who are mandated to report and take action after receiving information regarding sexual misconduct and harassment. These include, but are not limited to, Public Safety Police and Security Officers, managers and supervisors, coaches, club and organization advisors, faculty, Deans, and Residential Learning staff (Resident Assistants, Community Safety Assistants, Resident Directors, and Residential Learning Coordinators). If a student has reported information to a Responsible Employee, but the student would like for the report to remain confidential, the student should contact the Title IX Coordinator, who will evaluate the student’s request for confidentiality.

If a student wishes to speak to employees of the University confidentially, the student should ask the employees about their ability to maintain confidentiality before engaging in discussions. Different people on campus have different reporting responsibilities, and different abilities to maintain your confidentiality, depending on their roles at the University.

Confidential Resources
Students who desire that details of an incident be kept confidential can receive confidential services through the Counseling & Psychological Services Center (856-256-4333), which is located in the Wellness Center at Winans Hall. There are counselors available with specialized training to support Complainants of sexual violence. Counselors are available to help you free of charge, and can be seen on an emergency basis. The Student Health Center (856-256-4222) can also provide confidential consultation with victims and may offer treatment to prevent sexually transmitted infections or pregnancy. In circumstances where the Health Center is unable to offer these services, they will provide a referral to an appropriate medical resource. In addition, you may speak on and off campus with members of the clergy, who will also keep reports made to them confidential.

When speaking with these resources, a student’s right to confidentiality is legally protected. However, there are limits to this protection in specific situations. For example, if a student discloses that the incident involved the use of a weapon or other contraband as defined by New Jersey law, or there is an ongoing threat or danger to the safety of another person (particularly children or the elderly), these resources may be required to report the incident to police.

VI. Federal Statistical Reporting and Federal Timely Warning Obligations
Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, etc.- with addresses withheld), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. Mandated federal reporters include: Student Life managers or supervisors, campus law enforcement, local police, coaches, athletic directors, Resident Assistants and Resident Directors, student activities staff, human resources staff, advisors to student organizations and any other staff members with significant responsibility for student and campus activities.

Victims of sexual misconduct should also be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the community to aid in the prevention of similar occurrences. The University will withhold the names and other personally identifiable information of victims as confidential, while still providing enough information for community members to make decisions related to their safety in light of the danger. The individuals required to report for timely warning purposes are exactly the same as detailed at the end of the previous paragraph.

VII. Resolution Procedures
Voluntary Resolution Procedures
1. Upon request by the parties, some complaints of sexual misconduct can be resolved through voluntary resolution processes that are facilitated by the Title IX Manager. The Title IX Coordinator, the Title IX Manager or other designated administrator will determine whether voluntary resolution is appropriate depending upon the complaint allegations. Voluntary procedures are never applied in cases involving violence or nonconsensual sexual intercourse or penetration.
2. If appropriate, the Title IX Manager or designated administrator may arrange for/or facilitate mediation between the involved parties or coordinate other voluntary resolution. Voluntary resolution procedures will be initiated within seven (7) calendar days of the receipt of the Complainant’s request for voluntary resolution. Details of the complaint will be given to the Respondent during the first investigatory interview.

3. The University will ordinarily complete the voluntary resolution procedures and disciplinary process, if any, within sixty (60) calendar days. All timeframes set forth in this policy may be extended by the Title IX Manager or other administrator for good cause, with written notice to the Complainant and the Respondent of the delay and the reason for the delay.

4. Voluntary resolution procedures are optional and may be terminated at any time by the parties.

5. Once the voluntary resolution procedures have been completed, a voluntary resolution agreement, which outlines the terms agreed upon by the parties, will be provided to both parties simultaneously by the Title IX Manager or appropriate administrator. If either party is unsatisfied with the outcome of the voluntary resolution procedures, the formal resolution procedures may be pursued. If either party alleges that the terms of the voluntary resolution agreement have been breached, the formal resolution procedures will be initiated.

**Formal Resolution Procedures**

1. The formal resolution procedure will be initiated upon request by either party or when the University determines it is necessary.

2. The University will ordinarily complete its investigation and disciplinary process, if any, within sixty (60) calendar days. All timeframes set forth in this policy may be extended by the Title IX Manager or other administrator for good cause, with written notice to the Complainant and the Respondent of the delay and the reason for the delay.

3. Once a report of sexual misconduct has been made, an adequate, reliable and impartial investigation into the report will be initiated by the Title IX Manager or appropriate administrator within seven calendar days. The Title IX Coordinator and the Title IX Manager receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of Complainants and promotes accountability. For reports involving allegations against University employees, the Title IX Coordinator or the Title IX Manager in conjunction with the Director of Human Resources may conduct the investigation and resolve the issue according to the employee policy.

4. Once the Respondent has been notified of the formal written complaint, the Complainant and the Respondent will be kept informed of all developments and will be advised of the procedures that will guide the resolution of the complaint. Details of the complaint will be given to the Respondent during the first investigatory interview. Both parties will receive timely notice of meetings at which the Complainant or Respondent, or both, may be present. In addition, both parties may be accompanied by an advisor of their choice for any meetings with the Title IX Manager.

5. The investigation may include any of the following: interviews of the parties involved, including witnesses, review of written statements, and the gathering of other relevant information. Both parties will have the opportunity to present witnesses and other evidence.

6. Title IX Manager will review all of the information gathered during the investigation and will prepare initial findings of fact, which will be shared with the parties. After the parties have been provided the initial findings of fact, the parties will have the opportunity to provide additional or rebuttal information within 7 business days to the Title IX Manager.

7. The Title IX Manager will review additional or rebuttal information provided, if any, and will generate a final report with preliminary findings. The preliminary findings will be based on a “Preponderance of the Evidence” standard which means whether “It is more likely than not” that a violation of the Sexual Misconduct and Harassment Policy occurred. The parties will be provided with a copy of the final report with preliminary findings simultaneously and will be advised that the preliminary findings are subject to a hearing under the Student Disciplinary Process.

8. The Student Disciplinary Process will be confidential to the extent possible and as allowed by law.

9. For complaints that will be adjudicated by the Student Disciplinary Process, the appropriate adjudicator will be determined as follows:
   - *Administrative Hearing Officer* - If the alleged violation is one for which the Respondent student could not be suspended or expelled from the University, the complaint will be heard by an Administrative Hearing Officer.
Sexual Misconduct & Harassment Hearing Board - If the alleged violation is one for which the Respondent student could likely be suspended or expelled from the University, the complaint will be heard by the Sexual Misconduct & Harassment Hearing Board.

10. Administrative Hearing Officers and Hearing Board members receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability.

11. The Respondent and the Complainant will receive timely notice in writing of the date and time of the hearing before the Sexual Misconduct & Harassment Hearing Board or appropriate Administrative Hearing Officer.

12. The Respondent and the Complainant will have the opportunity to make a request to the Associate Dean for Civic Involvement for witnesses to participate in the hearing on their behalf. The parties will have an opportunity to present witnesses and other evidence.

13. The Respondent and the Complainant must notify the Associate Dean of any advisors and witnesses attending the hearing 5 (five) business days prior to the hearing.

14. Any additional scheduling requests must be directed to the Associate Dean to be determined.

15. If a sexual misconduct or harassment case based on the same alleged incident(s) is also being heard by a civil or criminal court, the University retains the right to hear the case before, after, or during the same time as the civil or criminal case, and to implement appropriate action (such as No Contact Directives, removal from campus residence facilities, removing a student from a class or classes or Interim Suspension) to maintain the safety of the parties involved and the campus.

16. The University will attempt to schedule a hearing within 20 business days after receipt of the Investigative Report with preliminary findings.

17. The Associate Dean for Civic Involvement (or designee) will assemble a Sexual Misconduct & Harassment Hearing Board of at least three trained staff members to hear appeals and will serve as the Chair. Each Sexual Misconduct & Harassment Hearing Board will be composed of representatives of both genders.

18. All hearings will be closed to the public.

19. Each Board member must indicate to the Associate Dean within 3 days prior to the hearing whether they have knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to hear and determine a case impartially, and to excuse themselves if their participation might compromise the integrity of the hearing process.

20. All hearings will be audio recorded. A digital file will be made available to the complainant, Complainant and/or Respondent student in the event a request for an appeal is filed.

21. Board members will be provided with access to written information and evidence at least 24 hours prior to the hearing.

22. The Respondent and the Complainant may each be accompanied by an Advisor. The Advisors are present to support the parties and to provide advice on procedural matters. The Advisors do not have speaking privileges during the hearing. A hearing will not be cancelled or postponed in the event an Advisor does not attend. If the Advisor is not able to attend, the Respondent or the Complainant should arrange for a substitute advisor.

23. If the Respondent or the Complainant fails to appear at the hearing, the matter will be resolved in their absence.

24. Witnesses may be present at the hearing only at the time they are called to participate. A hearing will not be cancelled or postponed if a scheduled witness does not attend.

25. Written statements of witnesses not in attendance due to extraordinary circumstances may be considered by the Sexual Misconduct & Harassment Hearing Board, if approved by the Chair.

26. In making its determination the Sexual Misconduct & Harassment Hearing Board will consider only the evidence admitted at the hearing and the admission of evidence will be within the discretion of the Chair.

27. At the start of the hearing, the Chair will ask if the Respondent has received the formal complaint, and if the nature of the formal complaint is understood.

28. The designated administrator will present the formal complaint along with the information obtained through the investigative process to the Sexual Misconduct & Harassment Hearing Board, if applicable. Only the information and evidence related to the alleged violations set forth in the formal complaint will be considered.

29. The remainder of the hearing will customarily proceed in the following order:

   1) Opening statement from the Complainant.

   2) Opening statement from the Respondent.
3) Complainant and Respondent questioning of witnesses (each witness will be questioned separately).

4) Board questioning of witnesses (each witness will be questioned separately then excused).

5) Board questioning of the Complainant and the Respondent.

6) Respondent’s responding statement.

7) Complainant’s responding statement.

8) Final questions from Board.

9) Respondent student’s closing statement.

10) Complainant’s closing statement.

30. The Sexual Misconduct & Harassment Hearing Board will deliberate in private and make an appropriate determination based on the information presented during the hearing.

31. The Sexual Misconduct & Harassment Hearing Board by a majority decision will determine whether or not the Respondent student violated the Sexual Misconduct and Harassment Policy as alleged in the formal complaint by finding either: “In violation” or “Not in violation” of the Sexual Misconduct and Harassment Policy. The Sexual Misconduct & Harassment Hearing Board’s determination will be based on a “Preponderance of the Evidence” standard which means the Board will determine whether “it is more likely than not” that a violation of the Sexual Misconduct and Harassment Policy occurred.

32. If a determination of “In violation” is rendered, the Sexual Misconduct & Harassment Hearing Board will determine an appropriate sanction(s) consistent with those specified in the Rowan University Student Code of Conduct, Section G5. “Standard Sanctions for Sexual Misconduct and Harassment Violations”

33. The Sexual Misconduct & Harassment Hearing Board will have up to 10 (ten) business days to render a decision.

34. The Associate Dean will notify the Respondent and the Complainant simultaneously in writing of the decision.

35. The Respondent and the Complainant may file a written appeal of the decision in accordance with established procedures (See Section VIII of the Student Sexual Misconduct and Harassment Policy).

36. The Associate Dean will notify the Respondent and the Complainant simultaneously in writing of any change to the results prior to final imposition and the date of final imposition.

### VIII. Appeal Procedures

1. Upon receiving notification of the outcome of a hearing conducted by the Sexual Misconduct & Harassment Hearing Board or the outcome of the conclusion reached by the Administrative Hearing Office, the Respondent or the Complainant may file an appeal under the following circumstances:
   a. The specified procedural error(s) or error(s) in the interpretation of University regulations is so substantial as to effectively deny the participant a fair hearing;
   b. New and significant information has become available which could not have been discovered by a properly diligent person before or during the hearing;
   c. The sanction is inappropriate in light of the violation; or
   d. The facts of the case were insufficient to establish that a violation occurred.

If information is brought to the Vice President/Dean of Students that merits an appeal under any of the reasons stated above, the Vice President or designee can also file an appeal request.

2. All appeals must be submitted within five (5) business days of the date on the letter informing the parties of the decision, unless extenuating circumstances (i.e., mental incapacity, hospitalization) impede the filing of the appeal. Appeals must be submitted in writing to the Associate Dean for Civic Involvement and should explain in detail the basis of the request, including any supporting documentation.

3. Upon receipt of the written appeal, the Associate Dean for Civic Involvement will defer the imposition of the sanction(s) pending the decision on the appeal. Note: Interim Suspension, no contact order directives and other interim restrictions will remain in effect during the appeal process.

4. Cases adjudicated by the Sexual Misconduct & Harassment Hearing Board will be forwarded to the Sexual Misconduct & Harassment Appeals Board. All other cases will be forwarded to the Vice President for Student Life/Dean of Students or designee.

5. An appeal will be responded to within fifteen (15) business days and a final decision will be issued in writing either accepting or denying the appeal and giving the reasons for this decision.
6. The Sexual Misconduct & Harassment Appeals Board:
   a. The Associate Dean for Civic Involvement convenes the Sexual Misconduct & Harassment Appeals Board. The Board is comprised of three members of the University’s Administration (appointed by the Office of the President). Designees may be used in any of the positions. Each member must be in attendance for a quorum.
   b. Appeal Officers and Appeals Board members receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability.
   c. The Sexual Misconduct & Harassment Appeals Board will review the written appeal and all documentation contained in the case file in a closed meeting. The decision to deny or uphold the appeal will be made by a simple majority vote. If an appeal is upheld based on procedural error or new information (reasons a or b above), the case will be remanded to the Sexual Misconduct & Harassment Hearing Board for re-opening of the hearing. If an appeal is upheld based on disproportionate sanction or lack of sufficient information (reasons c or d above), the Sexual Misconduct & Harassment Appeals Board will render the appropriate determination and/or sanction.
   d. Normally, all Sexual Misconduct & Harassment Appeals Board decisions are final and will be forwarded to the Office of Community Standards and Commuter Services for immediate implementation. For cases involving an expulsion of a student, the Respondent, the Complainant, or the Vice President for Student Life/Dean of Students or designee (in Sexual Misconduct & Harassment Hearing Board cases) may request that the Chief of Staff of the University review the decision of the Sexual Misconduct & Harassment Appeals Board.
   e. A request for review by the Chief of Staff must be made within two (2) business days of the date on the letter informing the parties of the Sexual Misconduct & Harassment Appeals Board decision. The request must be submitted in writing to the Office of Community Standards and Commuter Services and must include clear and convincing reasons to change the decision of the Sexual Misconduct & Harassment Appeals Board. The Chief of Staff may or may not elect to review a decision. The request for review will be responded to within 15 days by the Chief of Staff.
   f. If the Chief of Staff elects to review the determination, the Chief of Staff shall only overturn the decision if the facts presented demonstrate that the Appeals Board’s determination was arbitrary and capricious. This means that the decision will be overturned only if the decision was invalid because it was made on unreasonable grounds or without consideration of the circumstances.

7. When it is not possible for the Sexual Misconduct & Harassment Appeals Board to meet within the established time, an appeal from Sexual Misconduct & Harassment Hearing Board cases may be reviewed by the Vice President for Student Life/Dean of Students for final disposition.

8. The appeals process described above will be the final step in the discipline process and constitutes final agency action.

IX. Sanctions for Violations
Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from official warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of the complainant and the Respondent of sexual misconduct or harassment.

The Administrative Hearing Officer or the Sexual Misconduct & Harassment Hearing Board will determine the most appropriate sanction in each specific case, taking into consideration the severity of the conduct represented in the complaint as well as any mitigating circumstances. There will be no deviation from the range of standard sanctions unless compelling justification exists to do so. RowanSOM and CMSRU students should be aware that they may be subject to additional disciplinary action and/or sanctions due to the professional or ethical standards of RowanSOM and CMSRU.
Standard Sanctions for Sexual Misconduct and Harassment Violations
Any violation involving the use, attempted use; or threat of use of a weapon or other dangerous, illegal, or hazardous, object; or, the use or attempted use of a drug or intoxicant to incapacitate a person.
First Violation
University Expulsion, Notification of Parent/Guardian
Second Violation
University Expulsion

Any form of non-consensual sexual intercourse or penetration
First Violation
University Expulsion, University Suspension, Notification of Parent/Guardian
Second Violation
University Expulsion

Non-consensual Sexual Contact without use of a weapon, drug or intoxicant; Domestic Violence; Dating Violence; Stalking; Sexual Exploitation or Sexual Harassment
First Violation
Disciplinary probation, University Suspension, or Expulsion; Suspension of Campus Housing Privileges (if the student is not Suspended from the University and lives in Campus Housing), educational sanctions, Notification of Parent/Guardian
Second Violation
University Expulsion

X. Special Provisions
Alternative Testimony Options
For all participating parties, alternative testimony options will be provided. Options include, placing a privacy screen in the hearing room, providing testimony from another room via video or other options that provide a safe space for participation while not depriving the Respondent of their rights in the process. While alternative testimony options are intended to help make the Complainant or other participating parties more comfortable, they are not intended to work to the disadvantage of the Respondent.

Attempted Violations
In most circumstances, the University will treat attempts to commit any of the violations described in this policy as if those attempts had been completed, and students will be subject to disciplinary action accordingly.

False Reports
The University does not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Good Samaritan Policy
The welfare of students in our community is of paramount importance. It is in the best interests of this community that as many students as possible choose to report incidents involving sexual misconduct or harassment. The University encourages the reporting of sexual misconduct and harassment violations. The University also encourages students to offer help and assistance to others in need. This is true even when the student who has a complaint or a witness may have a concern that his or her own actions, including drug or alcohol use, may have violated university policies. Under the Good Samaritan Policy, the University will not pursue disciplinary action for drug or alcohol violations, or most other violations of the Code of Student Conduct, against a Complainant or witness who comes forward in good faith to report sexual misconduct or harassment, crimes of violence, or other serious criminal behavior. While violations cannot always be completely overlooked, the university will provide educational options rather than punishment, in such cases. This limited immunity does not extend to the perpetrator(s) of the sexual misconduct or harassment, crimes of violence, or other serious criminal behavior.

Notification of Outcomes
The outcome of a campus disciplinary hearing is part of the education record of the Respondent student and is protected from release under FERPA. However the University observes the exceptions as follows:
Complainants of incidents charged under the Student Sexual Misconduct and Harassment Policy have a right to be informed simultaneously of the outcome and sanctions of the hearing, in writing. Complainants are also permitted to submit an appeal.

Complainants who bring a complaint against faculty or staff under the Sexual Misconduct and Harassment Policy may be informed of the outcome and sanction.

The University may release publicly the name, nature of the offense and sanction for any Respondent student who is found in violation of a University policy that is a sex offense or crime of violence (refer to Student Code of Conduct, Sections A & K)

Parents or guardians of the Respondent student may be notified for cases involving sex offenses or crimes of violence (refer to Student Code of Conduct, Sections A & K)

Past Sexual History/Character
The past sexual history or sexual character of a student will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Associate Dean. If, in the past, the Respondent student was found to have violated the Student Sexual Misconduct and Harassment Policy, the information related to that past violation may be considered in the hearing if: (a) the previous violation was substantially similar to the present complaint; and (b) the previous violation indicates a pattern of behavior and substantial conformity with that pattern by the Respondent student.

University as Complainant
As necessary, the University reserves the right to initiate a complaint, to serve as Complainant, and to initiate institutional disciplinary proceedings without a formal complaint by the victim of sexual misconduct or harassment.

XI. Timeline
All time frames set forth in this Policy may be extended by the Title IX Manager or other administrator for good cause, with written notice to the Complainant and the Respondent of the delay and the reason for the delay.

XII. Education and Prevention
Rowan regularly conducts educational programs to prevent sexual misconduct and violence, including sexual assault, domestic violence, stalking and dating violence, within its campuses and communities. Primary prevention programs are offered to incoming students and new employees during mandatory orientation sessions. During these programs, attendees are educated about the Rowan’s prohibition of the crimes of sexual assault, domestic violence, dating violence, stalking and other forms of sex discrimination. Attendees are also informed of the definitions of these crimes, per New Jersey statutes, and the definition of consent in reference to sexual activity. Furthermore, attendees are provided information on safe and positive options for bystander intervention and risk reduction. To further its goal of ensuring that students and employees remain aware of Rowan’s mission to maintain a campus that does not tolerate sex discrimination, Rowan collaborates with campus and community-based victim advocacy organizations in formulating and conducting ongoing prevention and awareness campaigns for students and employees year-round. The workshop topics include, but are not limited to: sexual violence prevention; the availability of resources for victims; campus sexual violence policies and procedures for filing complaints; confidentiality and privacy concerns; and sexual health, wellness and healthy choices.

How to be an Active Bystander
Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” (Taken from Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. Sex Roles, 60, 779-792.) We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. (Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse). Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like
they could be in trouble or need help, ask if they are ok.

2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction
With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrange together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
   c. Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. Lie. If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
XIII. New Jersey Sexual Assault Complainant’s Bill of Rights

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

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.

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

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

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

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

Campus Intervention Rights: to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants; to be notified of the options for and provide assistance in changing academic and living situations if such changes are reasonably available.

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 the 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.