

Felician University

Title IX Procedures Governing Claims of Discrimination, Harassment, Sexual Misconduct and Retaliation

Complaint Resolution Process

The University will respond to any claim of a violation of this Policy received by the Title IX Coordinator and/or Deputy Coordinators. This procedure outlines the various steps an individual can take to file a complaint.

When used in these Procedures, the term **complainant** means any person who is a member of the University community who is the actual or intended victim or target of, or witness to any action that is in violation of the University's Title IX Policy and reports the violation to the University; **complainant** includes the accuser. The term **respondent** means any person who is accused of any action that is in violation of the University's Title IX Policy, and refers to the accused, the actor, or the perpetrator, as applicable; a respondent can include persons who are not members of the University community.

A. Confidentiality and Reporting of Offenses

Felician University will make every effort to safeguard the identities of individuals who seek help and/or report a sexual assault or other sexual misconduct, discrimination, harassment, and/or retaliation. While the University takes steps to protect the privacy of victims, the University's ability to respond to a complaint may be limited in the event of a complainant's request for confidentiality. The University may need to investigate an incident and take corrective action once an allegation is known, regardless of whether the complainant chooses to make and pursue a complaint.

When a report is made, personally identifiable information (name of complainant, name of respondent, etc.) may be initially withheld in cases where the alleged victim of the inappropriate conduct is hesitant to come forward. Subsequently, campus officials may need additional information. The University Title IX Coordinator or Deputy Coordinator will conduct an initial inquiry, looking for any sign of a pattern, predation, violence, or threat. When such exists, institutional action may be required to ensure campus safety.

No University representative should promise absolute confidentiality except in the case of confidential personal counselors, health service providers, victim services advocates, domestic violence resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality. Reports may be private, but not confidential.

Reports to police and/or Title IX officials do not obligate the complainant to file any criminal or University conduct charges.

The University will not pursue disciplinary action for improper use of alcohol or illegal drugs against an alleged victim of sexual misconduct or against another student who reports information as either a witness to or as a good faith informant of sexual misconduct so long as the report is made in good faith.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, as

opposed to complaints which, even if erroneous, are made in good faith, are just as serious offenses as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

NOTE: A victim, witness or good faith informant should make any complaints or reports of inappropriate conduct as soon as possible after an incident.

Although there is no time limit for making a complaint with the University, complainants should report a possible violation of this Policy as soon as possible to maximize the University's ability to respond effectively. Failure to report a violation promptly could result in the loss of relevant evidence and impair the University's ability to respond to and investigate the allegations.

If the incident is an assault, immediately report the incident:

- A. Emergency - 911
- B. Campus Safety and Security, Rutherford Campus (24hrs): 201.559.3561
- C. The Healing Space (24 hrs.): 201-487-2227
- D. Rutherford Police Department: 201-939-6000
- E. Lodi Police Department: 973-473-7600
- F. Bergen County Sheriff's Office (non-emergency number): 201.336.3500
10 Main Street, Hackensack, NJ 07601

Seek immediate medical attention and emotional support:

Do not change clothing, shower, bathe, brush your teeth or douche. Delay the foregoing and try not to use the bathroom (if possible) until you are examined, as this preserves evidence of the assault. Medical attention should be assessed at a local hospital.

On-campus resources:

Wellness Center.

- 1 Felician Way, Rutherford, New Jersey 07070 201-559-3559 or 201-559-3579

Student Counseling Services

- 1 Felician Way, Rutherford, New Jersey 07070 201-559-3621 or 201-559-3587

Off-campus resources:

Hackensack University Medical Center

- 30 Prospect Avenue, Hackensack, NJ 07601 551-996-2000

St. Mary's General Hospital

- 350 Boulevard, Passaic, New Jersey 07055 973-365-4300

Holy Name Medical Center

- 718 Teaneck Road, Teaneck, New Jersey 07666 201-833-3000

Options for filing a report:

1. Anonymous and Third-Party Reporting

The Title IX Coordinator and Deputy Coordinators may accept anonymous and third-party reports of conduct that violates this Policy and will follow up on such reports. The complainant is encouraged to provide as much detailed information as possible to allow the Title IX Officer or Deputy Coordinators to investigate the incident and respond as appropriate, including names of persons involved, witnesses, location of incident, date and time of incident, and description of incident. The University may be limited in its ability to investigate or respond to an anonymous or third-party report without sufficient detailed information.

2. Confidential Reporting

A complainant who wants the details of an incident to be kept confidential may speak with on and off campus counselors, health service providers, victim services advocates, domestic violence resources, local or state assistance agencies, or members of the clergy who are *permitted by law* to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor). These sources may submit anonymous statistical information for timely warning and Clery Act purposes but are not authorized to share a confidential report with the University. If a complainant is unsure of a resource's ability to maintain confidentiality, the complainant is advised to ask them before talking to them. University officials and/or representatives not authorized by law should not, under any circumstances, promise confidentiality.

3. Reporting to Responsible Employees

Reports to University employees (faculty, staff, administrators) who are *not* confidential resources shall be treated with the maximum possible personal privacy. If a complainant is unsure of a resource's ability to maintain privacy, the complainant is advised to ask them before talking to them. The resource will be able to explain the resource's reporting obligations and help a complainant make decisions about who is in the best position to help. If personally identifiable information is shared, it will be shared with as few people as possible and only with persons with a need to know under the circumstances and the University will take steps to protect the complainant's privacy to the greatest extent reasonably possible.

4. Formal Reporting

A complainant is encouraged to speak to University officials, such as the Title IX Coordinator or Deputy Coordinators or Campus Safety and Security, to make a formal report and has the right, and can expect, to have a complaint taken seriously by the University when formally reported and to have the complaint investigated and properly resolved through these procedures. Formal reporting still affords privacy to the complainant and only a small group of officials who need to be informed will be notified. Information will be shared as necessary with investigator(s), witnesses, the respondent, and a hearing board if deemed appropriate. The number of people with this knowledge will be kept as few as reasonably possible to preserve the rights and privacy

of all concerned.

5. Criminal Reporting

Anyone in immediate danger should call 911. Some acts of discrimination and harassment may also be crimes, such as sexual assault or stalking. Individuals are encouraged to report suspected criminal conduct to law enforcement even when the conduct is not clearly a crime. Regardless, local law enforcement can assist with obtaining medical care, provide an immediate law enforcement response and protection, connect the complainant with advocacy services and counseling support, initiate a criminal investigation as appropriate, and answer questions about the criminal process.

B. Informal Resolution Process

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator will determine if an informal resolution is appropriate, based on the willingness of the parties and the nature of the alleged conduct. The University will not require unwilling parties to participate in an informal resolution process. An informal resolution process is available only after a formal complaint has been filed with an appropriate member of the University.

Sanctions are generally not imposed as the result of an informal resolution process, though the parties may agree to appropriate remedies and corrective action. The Title IX Coordinator will keep records of any resolution that is reached. The University reserves the right to cancel an informal resolution if sufficient evidence suggests a formal investigation or other sanctions or remedies may be necessary and appropriate.

It is not necessary to pursue an informal resolution first in order to make a formal complaint, and anyone participating in an informal resolution process can stop that process at any time and initiate a formal resolution process.

Except in cases involving criminal activity and/or sexual assault, an employee or student alleging sexual misconduct, discrimination, harassment and/or retaliation against an employee or student of the University under this Policy is encouraged to consider an informal resolution. If it is appropriate, an attempt to facilitate an informal resolution of the matter will be made. In the event that an informal resolution is not reached, is not appropriate, or is not pursued, the student or employee who is alleging the discrimination, harassment, or retaliation may initiate a formal resolution process.

Upon commencing an informal resolution process, the University will provide all parties with a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from initiating a formal complaint that arises from the same allegations, provided, however, that **at any time prior to agreeing to a resolution of the informal resolution process, any party has the right to withdraw from the informal resolution process and initiate the formal resolution process in which case there shall be no** consequences resulting from participating in the informal resolution process.

The University will obtain the parties' voluntary, written consent to the informal resolution process

prior to its commencement.

An informal resolution process may be conducted for a period of 60-90 days from the date that a formal complaint is received. However, the process may allow for temporary delay, as appropriate, for good cause, with written notice to all parties of the delay or extension and the reasons for such actions.

The University will not offer or facilitate an informal resolution process that involves allegations that a University employee sexually harassed a University student.

C. Formal Resolution Process

1. Filing a Complaint

Any individual who believes that this Policy has been violated should contact the Title IX Coordinator or any Title IX Deputy Coordinator as soon as possible.

A. Complaint Intake

Within five business days of receipt of notice of a violation or a complaint, the Title IX Coordinator or Deputy Coordinator will normally make an initial determination as to whether the information provided reasonably indicates there may have been a violation of University Policy. If it appears a violation may have occurred, an investigation will begin. If the complaint does not reasonably indicate a Policy violation, or if conflict resolution is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint will not proceed to investigation. An investigation will commence if there is sufficient information to indicate a Policy violation, a pattern of misconduct, and/or a perceived threat of further harm to the University community or any of its members.

Throughout this process, the University will presume that the respondent is innocent of the alleged conduct until a determination regarding responsibility is made at the conclusion of the process [whether it is through an informal resolution or investigation].

Upon receipt of a formal complaint and an initial determination that the information on its face indicates a possible violation of this Policy, the University will provide a written notice to the complainant, the victim (if different from the complainant), and the accused/respondent whose identities are known, which will include the following:

- Notice of the University's complaint resolution process;
- Notice of the allegations of sexual harassment, discrimination or retaliation including sufficient details such as the identities of the parties involved in the incident (if known), the alleged conduct that if proven constitutes a Policy violation, and the date and location of the alleged incident (if known);
- A statement that the respondent is presumed innocent of the alleged misconduct and that a determination regarding responsibility will be made at the conclusion of the process;

- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; and who may inspect and review evidence pertaining to the incident; and
- A statement informing the parties that the University's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the process.

During the course of the investigation, the University may decide to investigate allegations about the complainant or respondent that were not included in the initial written notice or complaint, and if this occurs, the University will provide notice of the additional allegations to the parties whose identities are known.

Jurisdiction

A Complainant may file a Formal Complaint under the Title IX Grievance set forth in this policy only if the Complainant is currently participating in, or attempting to participate in, the education programs or activities of the University, including as an employee. An "education program or activity" includes:

- Locations, events, or circumstances over which the school exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and
- Any building owned or controlled by a student organization that is officially recognized by the University.

Upon receipt of a Formal Complaint, the Title IX Coordinator (or designee) will determine if it falls within the jurisdiction of the Title IX Grievance Process or the jurisdiction of the Felician University Sexual Misconduct Grievance Procedures. A complaint falls within the jurisdiction of the Title IX Grievance Process when the following elements are met:

- The incident occurred on or after August 14, 2020;
- The conduct alleged took place in the United States;
- The conduct alleged took place in the University's education program or activity; and
- The conduct alleged to have occurred, if true, would constitute sexual harassment as defined by the Final Rule.

B. Supportive Measures

The University will implement interim and/or protective actions upon notice of alleged discrimination, harassment, and/or retaliation and will take additional prompt remedial and/or disciplinary action with respect to any member of the University community, guest, or visitor who has violated this Policy.

Interim actions include but are not limited to: no contact orders, No Trespass/Persona Non Grata notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The University may suspend, on an interim basis, a student or student organization, or place an employee on administrative leave pending the completion of the investigation and procedures. In cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented or should be reversed. Violation of interim provisions will be grounds for further disciplinary action.

During an interim suspension or administrative leave, a student or employee may be denied access to the University campus, facilities, or events, either entirely or with specific restrictions. As determined by the appropriate administrative officer, this restriction includes classes and/or all other University activities or privileges for which the individual might otherwise be eligible. At the discretion of the appropriate administrative officer, alternative coursework options may be pursued and offered to minimize the impact on the respondent student. At the discretion of the appropriate administrative officer, alternative employment/work options may be pursued to minimize the impact on the respondent employee.

2. Notice of Charges

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved. If the respondent is an employee, a copy of the written notice will be provided to the employee's department head/director, the dean, vice president, and the president.

3. Investigation

If a complainant wishes to pursue a formal complaint or if the University determines an investigation is necessary, the Title IX Coordinator will assign an investigator, usually within five business days of determining that a complaint should proceed. Investigations will be thorough and impartial and will entail interviews of relevant parties and witnesses, and obtaining available evidence. Conflict of interest (real or perceived) on the part of the investigator will not be allowed. The University aims to complete investigations, barring exigent circumstances, within 60 days, which can be extended as necessary for appropriate cause or reasonable delays as determined by the Title IX Coordinator with notice to the parties. An investigation may take longer when initial complaints fail to provide sufficient detailed information. The University may undertake a short delay (usually 1-2 weeks, to allow for a forensic collection of evidence by law enforcement) when criminal charges are being investigated. Complainants will be informed, at regular intervals, of the status of the investigation. University action will continue regardless of the status of civil or criminal charges involving the same incident. A complainant may proceed with both a criminal charge and a request for a University investigation and resolution simultaneously.

A. Student Withdrawal While Complaint Pending

The Title IX Coordinator may dismiss a complaint or any allegations at any time during the investigation or hearing, should a responding student withdraw from the University and/or the complainant refuses to participate in or cooperate with the investigation and/or hearing. The Title IX Coordinator may determine that the process will nonetheless proceed in the student's absence to a conclusion. If the hearing results in sanctions or corrective actions, the student in question will not be permitted to return to the University unless any and all sanctions and corrective actions have been satisfied. The Title IX Officer will continue to act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

B. Employee Resignation While Complaint Pending

Should a respondent-employee resign while the complaint is pending, the Title IX Coordinator may dismiss a complaint or any allegations at any time during the investigation or hearing. The records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator will continue to act to promptly and effectively to remedy the effects of the conduct upon the victim and the community.

C. Required Dismissal of Complaint

The Title IX Coordinator must dismiss a complaint or any allegations under the following circumstances as defined by Title IX regulations:

- The incident did not occur at the University's education program or activity;
- The incident did not target or victimize a person who was physically located in the

- United States at the time of the alleged incident;
- The complainant was not participating or attempting to participate in the University's programs or activities at the time of the complaint; or
- The conduct alleged in the formal complaint would not constitute sexual harassment, discrimination, sexual misconduct or retaliation as defined by Title IX definitions, even if proven.¹

The University may dismiss a formal complaint, or any allegation therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegation therein;
- The respondent is no longer enrolled or employed by the University, as applicable; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the formal complaint or allegations therein.

Written notice of the dismissal must be provided to all parties. Upon dismissal, the University may institute action under another provision of the Employee Code of Conduct, Student Code of Conduct, Discrimination Policy and Sexual Harassment Policy. Dismissal of the formal complaint may be appealed within 5 days by the complainant.

Notice of Dismissal: Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties.

Notice of Removal: Upon dismissal for the purposes of Title IX, Felician University retains discretion to utilize Felician University Regulations, or other employment handbooks to determine if a violation of the Code of Conduct has occurred. If so, Felician will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations: The Title IX Coordinator will draft and provide the Notice of Allegations to all. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

4. Investigation Findings

A. For Students

Upon receipt of the investigative report, the Title IX Coordinator will forward it to the Vice President of Student Affairs or his or her designee for an appropriate hearing per the Student

¹ Note: if a complaint does not meet the requirements and qualify as a Title IX complaint, it may still be covered under the Felician University Sexual Misconduct policy.

Code of Conduct procedures. In addition, a copy of the investigation report must be provided to the respondent, the complainant, and their advisors. All parties have 10 days to review the information and provide a written response to the Investigator and/or Title IX Coordinator.

The institution will provide the parties 5 business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties 5 business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The investigation process for each complaint will require a live hearing involving all parties.

During a hearing:

- The complaint will be heard by a hearing panel;
- Both the complainant and the respondent will receive equivalent notice of the process;
- The complainant and the respondent will be invited to the Hearing;
- The complainant and respondent will be entitled to the same opportunity to have a support present during the Hearing;
- The support person of choice may be anyone who is ready, willing, and able to comply with these Procedures;
- The complainant and respondent will be entitled to the same opportunity to have an Advisor present during the Hearing;
- The Advisor of choice may be anyone who is ready, willing, and able to act as an Advisor and comply with these Procedures;
- If either party does not have an Advisor, then the University must provide one for the cross-examination part of the Hearing at no cost to either party;
- The University may restrict the participation of the Advisor in the hearing equally except for the cross-examination of a party or witnesses;
- Both the complainant and the respondent will have the opportunity to present witnesses having information pertinent to the alleged sexual harassment, sexual misconduct, sexual assault, or retaliation and any relevant information to the Hearing panel during the conduct of the hearing;
- The complainant will be provided options for reasonable alternative arrangements if he or she does not want to be present in the same room as the respondent during the Hearing;
- Testimony or other evidence regarding any party's past sexual conduct or misconduct will ordinarily not be permitted, except where there was a prior sexual relationship between the parties and the testimony may be relevant to the issue of consent and

welcomeness. If the respondent is found responsible for a violation of the Policy as alleged in the complaint, his or her past sexual misconduct, if any, may be considered in determining the appropriate sanctions or corrective action if it is relevant to the violation at issue;

- Advisors will be allowed to cross-examine either party during the Hearing, which may involve each party's Advisor asking the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Cross-examinations at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally;
- Only relevant cross-examination and other questioning may be asked of a party or witness. Before a party or witness responds to a question on cross-examination or other question, the decisionmaker(s) must first determine whether the question is relevant and explain on the record any decision to exclude a question as not relevant;
- An Advisor can be asked to step out of the Hearing by the Hearing Chair for inappropriate behavior or improper questions; and
- The University will document the proceedings;
- The proceeding will be recorded either audibly or audibly and visibly.

Following the hearing, the decision as to whether a Policy violation has occurred will be determined by using a preponderance of the evidence standard. The decision will be made by the Decision Maker who will be a member of the University's senior confidential staff. A finding of a Policy violation by a preponderance of the evidence means that it is more likely than not that the Policy violation occurred. If the hearing concludes with a determination that no Policy violation has occurred, the process ends at that point. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified of the findings in writing.

If, following a hearing, the student is found to have violated University policy, appropriate disciplinary sanctions will be determined after consultation with the Title IX Coordinator. The Vice President of Student Affairs (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Vice President's decision. This written decision must be issued within 10 business days of the completion of the live hearing.

The written findings and determination will include the following:

- Statement of the allegations made that potentially constitute sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including, any notification to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the University's code of conduct and its Title IX Policy to the facts;
- A statement of, and rationale for, the results as to each allegation, including a

determination regarding responsibility, any disciplinary sanctions and corrective actions the University will impose on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and

- The University's procedures and permissible bases for the complainant and the respondent to appeal from the hearing determinations.

The written findings and determination will be provided to all parties simultaneously and will become final on the date that the University provides the parties with the written determination of the result of any appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

B. For Employees

Investigations will be thorough and impartial and will entail interviews with relevant parties and witnesses and obtaining available evidence. Both the complainant and the respondent will have the opportunity to present to the Investigator witnesses with information pertinent to the alleged sexual harassment, sexual misconduct or sexual assault, and any relevant information. The investigator will document the proceedings. Employees who are represented by a union may be entitled to have union representation present consistent with their Weingarten Rights throughout the process.

Upon receipt of the investigative report, the Title IX Coordinator will determine if a Policy has been violated by using a preponderance of the evidence standard. A finding of a Policy violation by a preponderance of the evidence means that the weight of the credible evidence shows that it is more likely than not that the Policy violation occurred. If the Title IX Coordinator decides that no Policy violation has occurred, then the process ends at that point. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. The respondent's department head/director, Dean, Vice President, Director of Human Resources (or a designee as identified by the President), and the President will also be notified of the finding.

In the event that the employee-respondent is determined to have violated University Policy, the Director of Human Resources (or a designee as identified by the President) will determine appropriate disciplinary sanctions based on the recommendation from the Title IX Officer, subject to the President's review and approval. If the Director of Human Resources (or a designee as identified by the President) is a party or witness in the investigation, the Title IX Coordinator's recommendation will be sent instead to the President for determination of disciplinary sanctions. The Director of Human Resources (or a designee as identified by the President) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Director's decision. This written decision must be issued within 10 business days of the completion of the live hearing.

5. Sanctions

Sanctions will be recommended by the Title IX Coordinator and forwarded to the decision-making authority. Factors considered when determining a sanction may include:

- The nature of, severity of, and circumstances surrounding the violation;
- The respondent's disciplinary history;
- Previously substantiated complaints or allegations against the respondent involving similar conduct;
- Any other information deemed relevant by the Title IX Coordinator, including aggravating, and mitigating factors;
- The need to bring an end to the discrimination, harassment, and/or retaliation;
- The need to prevent the future recurrence of discrimination, harassment, and/or retaliation; and/or
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the University community.

a. Student Sanctions

Student sanctions will ultimately be determined by the Vice President of Student Affairs (or designee). For examples of the range of potential disciplinary sanctions against students, see the Student Code of Conduct in the *Student Handbook*.

b. Employee Sanctions

Employee sanctions will ultimately be determined by the Director of Human Resources (or a designee as identified by the President). Sanctions for an employee who has violated this policy may include, but are not limited to, verbal or written warning, required counseling, training, demotion, reassignment, suspension without pay, and termination.

6. Appeals

Appeals of the decision may be filed by the complainant, the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within five business days of the date of the written findings and determination, or notice of findings, whichever is applicable.

Appeals are limited to of the following issues:

- A procedural error or omission that significantly impacted the outcome of the investigation or hearing;
- The Title IX Coordinator, investigator(s), or decision-maker (s) had a conflict of interest or bias against complainants or respondents generally, or the individual complainant or respondent in particular, that affected the outcome of the investigation or hearing;
- There is new evidence, unknown or unavailable during the investigation or hearing, that

could substantially impact the findings or sanctions. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal; and/or

- The sanctions imposed are substantially disproportionate to the severity of the violation.

The original findings and sanctions/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, in which case the findings and sanction/responsive action(s) become final. When a party appeals, the other party (parties) will be notified in writing and given an opportunity to respond. The University will give both parties equal opportunity to submit a written statement in support of, or opposing, the appeal.

The Appeal Decision Maker, for either the student or employee process, must be a person who had no role in the investigation or resolution process. The Appeal Decision Maker will be selected by the Title IX Coordinator.

Where the Appeal Decision Maker finds that at least one of the grounds for appeal is met, he or she will proceed with the appeal and additional principles governing the hearing of appeals will include the following:

- The original decision will be changed only when there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal, or new evidence that was unknown or unavailable during the hearing or investigation.
- Sanctions will not be imposed pending the outcome of the appeal. Interim and/or protective actions may be imposed and/or continued as appropriate.
- The Appeal Decision Maker will render and communicate a written decision and the rationale for the result within 10 business days to the Title IX Coordinator who will normally provide written notice of the appeal to all parties within three business days from the date of the appeal review.
- Once an appeal is decided, the outcome is final: further appeals are not permitted under this Policy.

7. Failure to Comply with Sanctions

All respondents are expected to comply with conduct sanctions and corrective actions within the time frame specified in their written notice. Failure to comply with conduct sanctions and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the University's programs, activities or employment, as applicable. For students, failure to comply may result in a hold on future registration or ineligibility for other transactions with the University.

Remedial Actions

In addition to interim actions, the Title IX Coordinator or Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of harassment, discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence of the respondent on campus or the ongoing activity.

These remedies may include referral of the respondent to counseling and health services, altering the academic schedule of a respondent student, (or the alleged complainant, if desired), altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

APPENDIX A

FELICIAN UNIVERSITY NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

A University or universities in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities' function to stimulate intellectual discourse and create an environment that values diverse ideas. Its rules must fundamentally further and protect 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 nonconsensual sexual contact, respect for the individual and human dignity are of paramount importance.

The state of New Jersey and Felician University recognize that the impact of violence on victims and the surrounding community can be severe and long lasting. Thus, this Bill of Rights has been established to articulate requirements for policies, procedures, and services designed to ensure that the needs of sexual assault victims are met and that the University and universities in New Jersey create and maintain communities and environments that support human dignity.

Bill of Rights

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

- On the campus of any public or independent private institution of higher education in the State of New Jersey, and
- When the victim or the accused is a student at that institution; and/or
- When a student is a victim of 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 report 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 them to be;
 - Refrain from reporting crimes to avoid unwanted publicity; and/or
 - Report crimes as offenses lesser than the victim perceives them to be.

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 regardless of whether the crime is formally reported to campus or to civil law enforcement 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.
- To be informed of and assisted in exercising 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 for 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, if this is the victim's decision.
- To receive full, prompt, and victim-sensitive cooperation of trained campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of an 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 provided 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 complete implementation.
- Each campus shall make every reasonable effort to ensure that every student at the campus receives a copy of this document.

- Nothing in this policy or in any “Campus Assault Victim’s Bill of Rights” developed in accordance with the provisions of Title IX 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.

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Individuals with complaints of this nature always have the right to file a formal complaint with the United States Department of Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW Washington, DC 20202-1100

Customer Service Hotline Number: 800.421.3481 FAX: 202.453.6012

TDD#: 877.521.2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

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