

The College maintains a strict policy prohibiting discrimination or harassment based on sex, including sexual assault and gender identity discrimination in any education program or activity. This policy applies to all employees, students, executives, officers, Trustees, Foundation Directors, independent contractors, visitors to the College and third parties. (Also see policy 201.2 Anti-Harassment)

The College will respond to all notices/complaints of discrimination on the basis of sex in any educational program or activity which include locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Anyone, who has been the victim of sexual harassment or discrimination regarding a College program or activity should immediately contact the Director of Human Resources/Title IX Coordinator. All notices/complaints of discrimination as stated above should be directed to the Director of Human Resources/Title IX Coordinator at 908-835-2356. The office is located in Room 125 on the Washington Campus. If this individual is not available, the notice/complaint should be reported to the Public Safety Coordinator or a College Executive.

DEFINITIONS:

Actual knowledge means notice of Title IX violations including sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College.

Sexual Harassment means conduct of the basis of sex where a College employee conditions education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or any individual, as applicable to this policy, demonstrates unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs or activities; or sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). (See policy 309.2).

Complainant is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Investigator is defined as the person or persons charged by the College with gathering facts about an alleged violation of this policy, assessing relevance and credibility, evaluating evidence, and compiling this information into an investigation report and file of directly related evidence.

Advisor is defined as a friend, mentor, family member, attorney, or any other individual a party may choose to advise, support, and/or consult with them throughout the resolution process.

Decision-maker is defined as the person who has decision-making and sanctioning authority within the College's formal grievance process.

Formal Complaint is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegations of sexual harassment.

Supportive Measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities, without unreasonable burdening the other party; protect the safety of all parties and the College's educational environment; and deter sexual harassment. Supportive measures can include advising, course-related adjustments, modifications of work or class schedule, campus escort services, increased security & monitoring of certain areas of campus, and mutual restrictions on contact between the parties.

Finding is a conclusion by preponderance of evidence that the conduct did or did not occur as alleged.

Final Determination is a conclusion by preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.

REPORTING A TITLE IX COMPLAINT

Students or members of the community should report a Title IX claim or allegation directly to the Director of Human Resources/Title IX Coordinator at (908) 835-2356. The office is located in Room 125 on the Washington campus.

Should students or members of the community report a Title IX complaint to a WCCC employee or contractor, that individual has an obligation to immediately report the matter to the Director of Human Resources/Title IX Coordinator. If this individual is not available, the employee or contractor should report the matter to a College Executive or the Public Safety Coordinator. That individual will gather the initial information and refer the matter to the Director of Human Resources/Title IX Coordinator for further investigation.

Upon receipt of a Title IX complaint by the Title IX Coordinator, the College will respond promptly, offer supportive measures to the complainant and begin an investigation.

If there is reason to believe that a student has been sexually assaulted or harassed by another person and the College has sufficient information to file a student conduct referral, action will be taken within the student conduct system, regardless of whether the case is pursued by the victim or under state, criminal, or civil codes.

The Director of Human Resources/Title IX Coordinator, in conjunction with the Public Safety Coordinator, will lead the investigation for any violations of Title IX. These individuals will use appropriate resources to document and investigate the matter. The College will evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.

Once the investigation of a claim is complete, the case will be referred to the Vice President of Student Services for determination of any internal judicial process necessary in the matter. Possible college sanctions for Title IX violations include, but are not limited to: suspension, and/or expulsion from the College. Students

found in violation of the College's Sexual Assault/Sexual Violence Policy also may be assigned developmental and educational interventions designed to promote greater awareness, improved decision-making, and to further deter future misconduct.

In instances where there is reasonable cause to believe a student or an employee is an immediate threat to the safety of themselves or other persons or property or is an immediate threat to disrupt essential campus operations, the College shall implement an Interim Suspension of that individual.

Provided that the complaint is not resolved through informal resolution and the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a live hearing. At the live hearing, a college appointed Decision-maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally and in real time by the party's Advisor only. The Decision-maker will evaluate all relevant evidence and issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. This written determination must be sent simultaneously to the parties along with information regarding the appeal process.

All reports of Title IX violations will be treated with confidentiality and respect for the privacy of the reporting individual(s). Information concerning conduct proceedings including the outcome of any conduct hearing related to Title IX shall be available to the victim at the same time the information is provided to the alleged perpetrator.

In addition, retaliation against individuals who report Title IX violations and/or who participate in college conduct hearings will not be tolerated and will be addressed through the College's internal judicial process. Retaliation includes, but is not limited to: intimidation, threats, coercion, and/or discrimination perpetrated directly, indirectly, and/or through third parties, which involves any type of media, social media, email, texting, and/or other electronic communications, etc. Issues of retaliation will be investigated by the Director of Human Resources/Title IX Coordinator. Issues where there are immediate threats made to a person or persons will be immediately referred to Campus Security and local law enforcement.

The judicial policies and procedures are contained in the College Handbook for further information. This document can be found under "QUICKLINKS" on the College's homepage (www.warren.edu). For additional questions, special needs, or to request a hard copy of the Student Handbook containing the College's policies and procedures, please contact the Office of Student Services at 908-835-2300.

The College will follow a consistent, transparent grievance process for resolving formal complaints of Title IX violations.

The College will treat complainants equitably by providing remedies any time a respondent is found responsible, to maintain the complainant's equal access to education programs and activities.

All notices/complaints of Title IX violations will be treated with confidentiality and respect for the privacy of the reporting individual(s). There will be no retaliation taken against an employee or student solely for being a victim of discrimination or harassment on the basis of sex or reporting such an incident to a College official.

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309.1 **CAMPUS SEXUAL ASSAULT/VICTIM'S BILL OF RIGHTS**

Warren County Community College is committed to maintaining an academic/work environment for all students, faculty, and staff that is free from sexual assault and non-consensual sexual contact. Any allegation of sexual assault and non-consensual sexual contact will be treated seriously. Such behavior or threat thereof shall not be tolerated. Full assistance and prompt cooperation will be provided in notifying the proper criminal and civil authorities. The College will adhere to the directives of the law enforcement agency responsible for the sexual assault investigation. In addition, any student, faculty, staff, or administrative employee of the College determined to have violated this policy will be subject to immediate and appropriate disciplinary sanctions.

Anyone, who has been the victim of a sexual assault, attempted sexual assault, or non-consensual sexual contact on the WCCC campus should immediately contact the Director of Human Resources/Title IX Coordinator. This individual can provide supportive intervention, including information and referral for contacting the police, obtaining appropriate medical care, preserving evidence for possible criminal prosecution, obtaining a temporary restraining order, and contacting the available counseling and support services within the community.

Counseling, on-going support, and information about college disciplinary action may be obtained through the Office of Student Services. In addition, the victim of such an assault may request changes as needed, in their academic circumstances (i.e. course section, credit load). All requests considered to be reasonable will be implemented promptly.

All interventions shall be made in accordance with *The Campus Sexual Assault Victim's Bill of Rights* as adopted by the New Jersey Commission on Higher Education in October 1995. This Bill of Rights shall be published annually in the Student Handbook.

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309.2 **SEXUAL ASSAULT/SEXUAL VIOLENCE INFORMATION AND PROCEDURES**

WCCC is committed to ending all forms of interpersonal violence. This policy covers the topics of sexual assault, domestic violence, dating violence, and stalking in accordance with the Violence Against Women Act of 2013. **Sexual assault, domestic violence, dating violence, and stalking are crimes and can be reported to the police, by calling the WCCC Security Department at 908-835-2455 or 911.**

Title IX of the Educational Amendments of 1972 prohibits discrimination based on sex. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination

prohibited by this federal law (See Policy 309). The WCCC Anti-Harassment Policy (Policy 201.1) prohibits sexual harassment or sexual violence and provides reporting procedures. WCCC offers support to victims of interpersonal violence, including assisting victims in accessing resources on and off campus.

When incidents of sexual harassment and/or sexual violence, domestic violence, stalking, and dating violence, occur and are reported to campus security authorities, WCCC will take immediate and effective steps to end sexual harassment and sexual violence, including but not limited to contacting the police. In addition, retaliation against individuals who report sexual harassment and/or sexual violence and/or who participate in college conduct hearings will not be tolerated and will be addressed through the College's judicial process. Retaliation includes, but is not limited to: intimidation, threats, coercion, and/or discrimination perpetrated directly, indirectly, and/or through third parties, which involves any type of media, social media, texting, emails, and/or other electronic communications, etc.

Questions about WCCC's Anti-Harassment Policy and Title IX procedures can be directed to the Director of Human Resources/Title IX Coordinator, at, 908-835-2356. The office is located in Room 125 on the Washington campus.

DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND CONSENT

Domestic Violence – Domestic violence pursuant to New Jersey statutes is defined as one or more offenses, such as physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault or the infliction of fear of imminent physical harm, bodily injury or assault between family members, household members, residents sharing living space or dating relationships. When notified, the College will comply with any protective or restraining orders or other court orders.

The following are a list of criminal offenses included in New Jersey's Domestic Violence Act

Homicide N.J.S.A. 2C:11-1	Criminal sexual contact. N.J.S.A. 2C:14-3
Assault N.J.S.A. 2C:12-1	Lewdness N.J.S.A. 2C:14-4
Terroristic threats N.J.S.A. 2C:12-3	Criminal mischief. N.J.S.A. 2C:17-3
Kidnapping N.J.S.A. 2C:13-1	Burglary N.J.S.A. 2C:18-2
Criminal restraint N.J.S.A. 2C:13-2	Criminal trespass N.J.S.A. 2C:18-3
False imprisonment N.J.S.A. 2C:13-3	Harassment N.J.S.A. 2C:33-4
Sexual assault N.J.S.A. 2C:14-2	Stalking N.J.S.A. 2C:12-10

Complete definitions of the above can be complex. No one outside of official law enforcement and/or the prosecutor's office is trained to make a determination of applicability. Therefore, WCCC Policy compels all College administrators, faculty, staff, and employees to report any perceived or alleged incidents directly to the Director of Human Resources/Title IX Coordinator and/or Campus Security; who will work in conjunction with the Public Safety Coordinator, to lead an investigation to determine the appropriate action.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the relationship is determined by consideration of length of relationship, type of relationship, and frequency of interaction.

Stalking – Course of conduct directed at a specific person that would cause a reasonable person to fear for safety of self or others or suffer substantial emotional distress. Stalking behaviors are sometimes characterized as persistent and frequent unwanted in-person contact, surveillance, and unwanted telephone or other electronic contact.

Consent – Voluntary, positive agreement between the participants to engage in specific sexual activity.

Victims often have difficulty reporting sexual violence for numerous reasons such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident, and/or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents to the appropriate College authorities.

All College administrators, faculty, staff, and employees are compelled to report any alleged incidents to the Director of Human Resources/Title IX Coordinator at (908) 835-2356. The office is located in Room 125 on the Washington campus. In the case of an immediate emergency, contact Campus Security at (908) 835-2455.

GENERAL INFORMATIONAL GUIDELINES FOR VICTIMS OF SEXUAL VIOLENCE

The following information provides guidelines to follow should sexual violence occur.

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence – The victim should not shower, bathe, or wash any part of your body. Do not use the toilet or douche. Do not change clothing, brush your teeth or gargle, or comb your hair.
- Seek medical attention. If you were sexually assaulted, your healthcare provider can provide additional guidance to assist you. You also can have evidence collected at a hospital emergency department. Evidence collection should occur as soon as possible.
- The victim can request an advocate to assist him/her. An advocate will provide information about resources and options for reporting the crime, seeking medical care, counseling, and other services. Advocacy Services are free and confidential and are available 24 hours a day, 7 days a week. Advocates are available through the **Domestic Abuse & Sexual Assault Crisis Center of Warren County at 908-453-4181**.
- Contact the police – Sexual assault, domestic violence, dating violence, and stalking are crimes. It is vital to report it. It is important to remember that reporting a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Final decision to prosecute is determined by the County Prosecutor.

RESOURCES TO ASSIST VICTIMS

In the case of sexual assault, domestic violence, dating violence or stalking incident(s), a victim should be encouraged to access the following support services:

- 1. WCCC Campus Security at 908-835-2455 (Washington) or 908-878-0202 (Phillipsburg):** This office will immediately contact the local police. The local Police will take immediate and appropriate action to investigate any allegation of sexual assault and, if evidence exists, will take appropriate action to end the sexual violence and prevent its recurrence. In cases requiring urgent measures, victims should contact the local police by dialing 9-1-1. Ensure that the victim is in a safe and secure environment, and encourage him/her to preserve all physical evidence. Even if the allegation is deemed not subject to a criminal investigation, the College will initiate its policies and procedures regarding any complaints. Campus Security/Campus Operations and Student Services are available for consultation and/or support with regard to questions concerning procedures and services that are available for sexual assault/violence victims. Campus Security are available to provide escort services to victims who are victims of sexual assault/violence, upon request of the victim.
- 2. Medical Attention:** If the alleged abuse or assault occurred within the last seventy-two hours, encourage the victim to seek medical attention at a nearby hospital. Each hospital has the facilities and expertise to conduct medical-legal examinations, even if the victim prefers not to prosecute. This step is important, so that s/he receives proper assessment and treatment of any physical injuries sustained in the assault.
- 3. Counseling/Advocacy Services:** The Domestic Abuse & Sexual Assault Crisis Center of Warren County is available to students to provide confidential counseling services at 908-453-4121 or 866-6BE-SAFE [623-7233].

STUDENT CONDUCT POLICIES AND PROCEDURES

The crimes of rape, sexual assault, domestic violence, dating violence, and stalking, when perpetrated by students are in violation of this policy and WCCC Standards of Community Conduct (Policy 304.3). The WCCC Standards of Community Conduct applies at all college campuses/locations and may also address off campus student misconduct when a student's behavior affects a substantial college interest. Violations of college conduct policies are adjudicated in accordance with the Non-Academic Conduct Grievance Policy (Policy 304.6). These policies are contained in the Student Handbook, which can be accessed under "QUICKLINKS" on the College's homepage (www.warren.edu).

The Office of Student Services is the primary office responsible for administering the judicial aspects of the WCCC Standards of Community Conduct and related policies. These policies articulate the behavioral standards and the due process employed by the College to respond to allegations of student misconduct. Students who are found responsible for violations may be subject to sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from the College.

For additional questions, special needs, or to request a hard copy of the Student Handbook containing the College's policies and procedures, please contact the Office of Student Services at 908-835-2300.

REPORTING A CLAIM OF SEXUAL ASSAULT/SEXUAL OR DOMESTIC VIOLENCE/STALKING

Should a claim of sexual assault be reported to Campus Security, that office will contact and refer the information to local law enforcement as necessary.

Students or members of the community may report a claim or allegation directly to the Director of Human Resources/Title IX Coordinator at (908) 835-2356. The office is located in Room 125 on the Washington campus.

Should students or members of the community report a claim of sexual assault/sexual violence to a WCCC employee or contractor, that individual has an obligation to immediately report the matter to the Director of Human Resources/Title IX Coordinator. If this individual is not available, the employee or contractor should report the matter to a College Executive or the Public Safety Coordinator. That individual will gather the initial information and refer the matter to the Director of Human Resources/Title IX Coordinator for further investigation.

If there is reason to believe that a student has sexually assaulted another person and the College has sufficient information to file a student conduct referral, action will be taken within the student conduct system, regardless of whether the case is pursued by the victim or under state, criminal, or civil codes.

The Director of Human Resources/Title IX Coordinator, in conjunction with the Public Safety Coordinator, will lead the investigation with other college employees for any violations of sexual assault/sexual violence. These individuals will use appropriate resources to document and investigate the matter.

Once the investigation of a claim is complete, the case will be referred to the Vice President of Student Services for determination of any internal judicial process necessary in the matter. Possible college sanctions for rape, sexual assault, domestic violence, dating violence, and/or stalking include, but are not limited to: suspension, and/or expulsion from the College. Students found in violation of the College's Sexual Assault/Sexual Violence Policy also may be assigned developmental and educational interventions designed to promote greater awareness, improved decision-making, and to further deter future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of himself/herself or other persons or property or is an immediate threat to disrupt essential campus operations, the College shall implement an Interim Suspension of the student.

All reports of sexual assault/sexual violence will be treated with confidentiality and respect for the privacy of the reporting individual(s). Information concerning student conduct proceedings including the outcome of any student conduct hearing related to violence shall be available to the victim at the same time the information is provided to the alleged perpetrator.

In addition, retaliation against individuals who report sexual harassment and/or sexual violence and/or who participate in college conduct hearings will not be tolerated and will be addressed through the College's internal judicial process. Retaliation includes, but is not limited to: intimidation, threats, coercion, and/or discrimination perpetrated directly, indirectly, and/or through third parties, which involves any type of media, social media, email, texting, and/or other electronic communications, etc. Issues of retaliation will be investigated by the Director of Human Resources/Title IX Coordinator. Issues where there are immediate threats made to a person or persons will be immediately referred to Campus Security and local law enforcement.

Please consult the judicial policies and procedures contained in the College Handbook for further information. This document can be found under "QUICKLINKS" on the College's homepage (www.warren.edu). For additional questions, special needs, or to request a hard copy of the Student Handbook containing the College's policies and procedures, please contact the Office of Student Services at 908-835-2300.

RIGHTS FOR LEGAL PROTECTION

The rights of victims also include the right to obtain legal protections, including:

Orders of protection;
No contact orders; and
Restraining orders.

Individuals who apply for or obtain a protective or restraining order that lists Warren County Community College campuses or other facilities as protected areas, should provide the Campus Safety Department with a copy of the related petition and declarations and/or the temporary or permanent protective or restraining order.

INFORMATION AND TRAINING

WCCC will offer periodic sexual violence information programs and training for primary and ongoing prevention and awareness to students and employees in compliance with the Violence Against Women Act.

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