

**WARREN COUNTY COMMUNITY COLLEGE**  
**EEO, CAMPUS CONDUCT AND TITLE IX POLICIES**

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Updated 8/14/2023

## INTRODUCTION

This document represents a selective list of College policies that cover items such as Affirmative Action, expected campus conduct, student rights and responsibilities, appeals procedures, complaint procedures and Title IX/Campus Sexual assault information. This is not intended to be an exhaustive list of policies and procedures. Please also reference the Student Handbook and College catalog for additional information.

Any questions on policies and procedures should be forwarded to Ms. Sharon Hintz, Director of Human Resources/Title IX Coordinator/AA & EOE Compliance Officer. She can be reached at [hintz@warren.edu](mailto:hintz@warren.edu), at extension 908 835-2356 or in Room 125.

### 201.1 EQUAL OPPORTUNITY – AFFIRMATIVE ACTION

Warren County Community College reaffirms its commitment to affirmative action and equal opportunity at all levels of the institution, and the College shall comply with state statutes pursuant to N.J.S.A. 10:2-1 et seq. .

Approved: 04/28/04  
Reaffirmed: 9/08/10  
Reaffirmed: 9/13/2017  
Reaffirmed: 9/14/2022

### 201.2 ANTI-HARASSMENT

#### No Harassment or Discrimination

Warren County Community College reaffirms its commitment to affirmative action and equal opportunity at all levels of the institution, and the College shall comply with state statutes pursuant to N.J.S.A. 10:2-1 et seq. .

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### 201.2.2 NJ CONSCIENTIOUS EMPLOYEE PROTECTION ACTION EMPLOYER POLICY

The College does not tolerate workplace misconduct and hereby establishes this procedure for employees to identify misconduct in or around the workplace without reprisal. Under New Jersey's Conscientious Employee Protection Act, N.J.S.A. 34:19 et seq. ("CEPA"), you have a right to formally or informally report any statement, act, or behavior that you reasonably believe to be fraudulent or criminal, in violation of the law, a rule or regulation promulgated pursuant to law or a clear mandate

of public policy concerning the public health, safety or welfare without fear of reprisal from your employer. Specifically, you have the right to:

- Disclose to a supervisor, Department Head, Human Resources, or to a public body, any activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or
- Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare.

In the event you reasonably believe any conduct is a violation of any law, a rule or regulation promulgated pursuant to any law, is fraudulent or criminal, or is incompatible with any clear mandate of public policy concerning the public health, safety or welfare, you have the right not to participate in any such conduct, and you have the right to immediately report such conduct to your supervisor, or, if you prefer, your Department Head, or Human Resources. This policy is also applicable to conduct that relates to any entity that does business with the College.

The College will not take any retaliatory action such as termination, demotion, suspension, or transfer against any employee who complains of any wrongdoing under this policy, nor will any employee who utilizes this policy be subject to retaliation by any employee. If any employee believes they are being retaliated against because they refused to participate in conduct they reasonably believe is in violation of the law, a rule or regulation, or they complained about conduct pursuant to this Policy, they should notify Human Resources. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

Approved: 12/20/06  
Reaffirmed: 9/13/2017  
Reaffirmed: 9/14/2022

### **304.1 WCCC STATEMENT OF RIGHTS AND RESPONSIBILITIES**

The primary responsibility of the College community is to create conditions that provide beneficial educational experiences and an atmosphere of civility for the rights and opinions of individuals or groups as long as such expression does not infringe upon the rights of others. The purpose of the

statement is to list the provisions necessary to secure and respect conditions conducive to the freedom to learn.

Approved: 03/23/05  
Revised 03/23/16  
Reaffirmed: 12/16/20

### **304.3 WCCC STANDARDS OF COMMUNITY CONDUCT**

The following standards and regulations are designed to protect the rights, privileges and property of all individuals associated with the College. Misconduct in any of these categories is subject to disciplinary action.

- A. Any and all laws of the State of New Jersey, County of Warren, Township of Washington, and Town of Phillipsburg that provide for the protection of persons; for the protection of personal, real or public property, or provide for the regulation of motor vehicles, shall apply and be in effect on College property and such laws shall be properly enforced.
- B. Students who violate the law may incur penalties prescribed by civil authorities, but College authority is never used merely to duplicate the function of general laws. Only where the interest of the College as an academic community is distinctly and clearly involved will the authority of the College be asserted.
- C. The campus locations in Washington and Phillipsburg shall regularly be open and available for use by the public daily, including any designated hours during the weekend.
  - 1. No one will be permitted into any classroom, office, library, building or campus grounds at either location before opening time or after closing time without proper authorization.
  - 2. No unauthorized vehicles will be permitted on the campus of either location after closing.
  - 3. The schedule and regulation shall be in effect unless special conditions shall exist. Notice of the special conditions and scheduled changes shall be given by the President or his designated agent.
- D. Use, possession, manufacture, distribution or sale of illegal or controlled substances (as defined by federal, state and local statutes) on College property or at college sponsored events is prohibited.
- E. Possession, use or distribution of alcoholic and intoxicating beverages on College property is prohibited. Use of such beverages outside of the law at College events on and off campus is prohibited. See the *College Substance Abuse Policy* for greater specificity.
- F. Gambling on College property as defined in the State Criminal Code shall be prohibited and enforced in accordance with state law.
- G. Use, possession or concealment of any firearms, fireworks, explosives, dangerous chemicals or any other material or weapon considered deadly or dangerous on College property is prohibited.
- H. Endangering or infringing upon the personal safety, personal rights or personal property of any member of the campus community is prohibited.
- I. Threatening, intimidating, coercing or using physical force in a manner which causes another member of the campus community to be injured or fearful of physical harm is prohibited, including assault, battery and sexual offenses.
- J. Any form of intimidation or harassment toward any member of the College community is prohibited.

- K. Slandering or libeling another member of the College community is prohibited.
- L. Displaying indecent or obscene conduct (in violation of federal, state and local statutes) to another member of the College community is prohibited.
- M. Willful defacement, destruction or misuse of public and private properties is prohibited.
- N. Theft, larceny or embezzlement of public and private property, including issuance of bad checks is prohibited.
- O. Interfering with regular College operations including, but not limited to, teaching and classroom activities, administration, meetings and public discussions, disciplinary procedures, College activities, and fire, police or emergency services is prohibited.
- P. Dishonesty such as cheating, plagiarism or otherwise intentionally furnishing false information to the College is prohibited.
- Q. Unauthorized use of computers, or computer services and time is prohibited.
- R. Forging, altering or misusing any college document or instrument of identification is prohibited.
- S. Using the College name for soliciting funds or other activities without prior permission is prohibited.
- T. Operating a vehicle in a reckless fashion on College property is prohibited. All traffic or vehicle regulations shall be strictly enforced by the College.
- U. Violating the College standards of conduct while participating as a student at off-campus sites or at events where the student is representing the College or engaging in any behavior or practice that is determined by college faculty, staff or auxiliary staff to be injurious or hazardous to other persons is subject to involuntary withdrawal from the program and disciplinary action.
- V. Failure to comply with direction of College officials when those officials are acting in performance of their duties and are requesting the student behave in accordance with college policies and regulations.
- W. Any type of cyber-harassment, including electronic stalking, bullying, and/or sexual exploitation.
- X. Student organizations are collectively responsible for any action committed by members on behalf of their organization that violate College policy. Disciplinary action against student organizations is separate from actions taken against individuals. Facts of an incident may necessitate action against both a student organization and the individual members of that organization who were found to have violated College policy.
- Y. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to College premises or at College events is prohibited.
- Z. Students are required to comply with the reasonable and lawful directions of College officials and College security.
- AA. Making, attempting to make, or transmitting an audio or video recording of private, nonpublic conversations and/or meetings on College premises without the knowledge and consent of all participants subject to such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.
- BB. Violating other published College regulations or policies.

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 Revised: 03/23/16  
 Revised: 12/16/20

## 304.6 NON-ACADEMIC CONDUCT GRIEVANCE

If a grievance is non-academic in nature (all matters that are not related directly and specifically to academic concerns) and cannot be resolved informally between the parties involved, the grievant may request that the Assistant Dean for Academics and Student Services take action to resolve the matter. If the complaint is of a sexual, discriminatory or harassment nature, it must be immediately referred to Human Resources. Academic matters must go to the appropriate Vice President.

In developing responsible student conduct, disciplinary proceedings play a substantially secondary role to informal resolution including counseling, guidance and admonition. At the same time, the College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for its students and through regulation of the use of college facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, procedural safeguards are provided to protect the student from unfair imposition of serious penalty. In all situations, procedural fair play requires that the student be informed of the nature of the charges against him/her and that s/he be given a fair opportunity to refute them.

The Dean of Students (Dean) has responsibility for non-academic discipline of students enrolled at the College. The Dean is authorized to take disciplinary action when a student violates the *College Standards of Community Conduct*, standards that govern acceptable behavior while present on College-owned facilities and properties or at College-sponsored events.

Any member of the College community who observes a student in such violation is to inform the Dean and submit a written statement. The Dean will initiate an informal investigation of the reported violation, in which case the facts regarding the student's conduct will be reviewed, resolution of the problem determined and a decision rendered. If a student is found to have committed an offense, appropriate disciplinary measures will be imposed by the Dean. The student will be informed in writing of the charges and related evidence, the decision rendered, and the right to a formal hearing before the Student Review Hearing Board.

### 1. Non-Academic Disciplinary Sanctions

Any of the following measures can be imposed on a student for violation(s) of the *College Standards of Community Conduct*, depending on the severity of the violation. Notices of disciplinary action taken will be filed in the student's records. The notice will be removed when the terms of the sanction are fulfilled, or at the end of the semester following the ruling. In cases where the decision involves separation from the College, the Vice President for Finance and Campus Operations (CFO Vice President) and the President will be notified and the notification will be filed permanently in the student's record.

#### a. *Reprimand*

The student will receive verbal and/or written notice of infractions of specified standards of conduct and warning that future misconduct will result in more severe disciplinary actions.

#### b. *Restitution*

The student will be held accountable for College property that s/he has damaged or destroyed, removed and not returned.

**c. *Probation***

The student will be subject to a time period of restrictions after which institutional authorities will determine if his/her behavior has improved. During this time, the student will not be permitted to represent the College in any activity or run for or hold any office in a student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate college offices.

**d. *Withdrawal***

The student will be given the opportunity to withdraw from the institution and no entry will be made in his/her official records other than withdrawal. S/he may return to school at the end of the time period as specified in writing.

**e. *Temporary Interim Suspension***

The student will be suspended immediately and temporarily pending hearing. Temporary interim suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the College campus poses a substantial threat to him/herself or to others or to the stability and continuance of normal college functions.

A student suspended on a temporary interim basis shall be given an opportunity to appear personally before the Dean or a designee within five school days from the effective date of the temporary interim suspension. A hearing shall then be held on the following issues only:

- The reliability of the information concerning the student's conduct, including the matter of his/her identity.
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to him/herself or to others or to the stability and continuance of normal college functions.

**f. *Suspension***

The student will be dismissed from the College for a specified period not to exceed one year. Suspension can result in expulsion if terms of the suspension are violated.

**g. *Expulsion***

The student will be permanently dismissed from the College.

**h. *Other Disciplinary Sanctions***

Other sanctions may be imposed instead of /or in addition to a. through e., including work or counseling.

**2. Student Review Hearing Procedures for Non-academic Matters**

The purpose of the Student Review Hearing Board (Review Board) is to assist WCCC institutional authorities to arrive at a decision and resolution regarding student behavior that has been reported to be in violation of WCCC Standards of Community Conduct. A student has the option to select to have a hearing before the Review Board.

After receipt of written decision from the Dean regarding the matter, the student may choose to exercise the right to a hearing before the Review Board. To do so, s/he must submit a written request to the Dean within seven (7) school days from the date that the Dean issued his/her written decision. The Dean shall forward to the student within seven (7) school days of receipt of the student's request, a written statement that includes the charged infraction and related evidence, time and place of the hearing, and rights of the student to representation. "School days" are days that classes are in session and does not include interterm, spring or holiday breaks. The Review Board shall only meet on school days.

The Student Review Hearing Board will consist of seven (7) members including three faculty or teaching administrators, two students and two administrators, appointed by the CFO Vice President. The Review Board will assume responsibility for its procedural operation that will include appointing a chair and secretary. The Review Board will execute the proceedings insuring fairness, truth, justice and due process. The Board will render a judgment in writing to the CFO Vice President for final action.

The following structure will be used in these proceedings:

- a. A hearing must be held no sooner than (14) fourteen days or later than thirty days after the request has been received. The Dean shall notify all parties of the time/place for the hearing and will provide all parties with a copy of the written charge.
- b. The hearing is meant to be a non-adversarial proceeding. Parties to the hearing may invite witnesses, advisors and/or personal legal counsel to be present. It is important to note that review hearings are informal in nature and aimed at providing due process. Review hearings are not to be construed as court proceedings. Legal advisors may not participate in the hearing except to advise their clients.
- c. Having heard evidence and asked questions, the Review Board will meet in closed session to render a decision. The decision will be based only on the evidence presented in the hearing. A majority vote by the board is required to render a decision.
- d. Review Board decisions must be provided in writing to the CFO Vice President. The Vice President will direct the Dean to notify the student and other parties in writing of the Review Board's decision within ten days of the hearing date. If the decision involves suspension or dismissal from the College, the President will be notified.

The Review Board's decision will be final unless within seven (7) school days after receipt of the decision, either party files a letter with the Vice President, requesting an appeal of the Board's decision. Appeal of the Board's decision will be reviewed by the President, whose decision will be final.

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Revised: 6/30/10  
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Reaffirmed: 12/16/20

### **304.7 INTIMIDATION & BULLYING**

The College maintains a strict policy prohibiting intimidation or bullying. This policy applies to all students of the College. In accordance with 18A:3B-68, the College defines intimidation and bullying as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on the property of the College or at any function sponsored by the College, or by electronic means at or away from the College, that substantially disrupts or interferes with the orderly operation of the institution or the rights of other students and that such action/behaviors:

- a. as a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming another student or damaging another student's property, or placing another student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property;
- b. have the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the College; or
- c. create a hostile educational environment for other students at the College; or
- d. infringe on the rights of other students at the College by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Students who engage in prohibited intimidation or bullying are subject to disciplinary action, up to and including possible expulsion from any academic or continuing education program, the College, and all its events and activities.

Approved: 02/23/11  
Revised: 04/18/18

### **305 STUDENT COMPLAINT PROCEDURE**

Warren County Community College is committed to providing an environment encourages open and effective communication and respect for all members of the college community. From time to time disputes may arise that need resolution. In these instances, WCCC encourages all students to first direct the concern to the individual or department/area with whom the concern resides. Students should stop by the Office of Student Services or the Office of Academic Affairs if they have a question as to who should be contacted about a concern.

Most concerns should be resolved through an open, honest dialogue between the persons involved. In cases where that may not be possible, the Student Complaint Procedure can assist in facilitating a resolution.

#### **Definition of Student Complaint**

A complaint is a student initiated complaint about the treatment of the student by an employee or contractor of the College. The Student Complaint Process can be used when the concern **does not** fall into one of the current complaint/appeal categories:

- a) Complaints regarding intimidation, harassment, bullying, inappropriate sexual contact or sexual assault: Any of these claims should be **immediately** forwarded to the Director of Human Resources/Title IX Compliance officer.
- b) Appeal of Financial Aid: An appeal of financial aid is done through the formal Financial Aid Appeal Form and Process.
- c) Request for a grade change or grade reconsideration: This is done through the Grade Change Request Form and Process.
- d) Request for a late refund, forgiveness of charges or medical withdrawal. This is done through the Special Considerations Form and Process.
- e) Complaints about Federal, State or local statutes, rules, regulations or requirements that are beyond the scope of something that can be resolved by the College.

A complaint may not be submitted on behalf of another person unless the complainant is incapacitated and unable to complete the form.

### **Procedure**

- 1) The student shall complete a Student Complaint Form and direct it to the Board Recording Secretary. The form must be signed and include an e-mail address for subsequent follow up. In order that a timely resolution can be made in this matter, the form should be submitted within 5 business days of the incident or activity.
- 2) The Board Recording Secretary or designee shall submit an acknowledgement to the Complainant within 3 business days and indicate either a) a resolution to the process or b) the next step in the process for a resolution and a projected timetable.
- 3) Once a resolution to the process provided, the complaint will be considered addressed and closed.

### **Reporting and Publishing Responsibilities**

The Board Recording Secretary shall maintain a log on all complaints and aggregate student complaint information so that the data on complaints can be reported each December to the Board of Trustees.

The College shall publish information regarding the Student Complaint Process in its Student Handbook and on its website at [www.warren.edu](http://www.warren.edu). Information regarding the number and types of complaints shall also be collected and reported as necessary to the Middle States Commission on Higher Education in accordance with accreditation requirements.

Approved: 05/21/16  
Revised: 12/22/21

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](http://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.

Approved: 3/23/05  
Revised: 11/18/20

### 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.

Approved: 03/23/05  
Revised: 11/18/20

### 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](http://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](http://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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### **309.3 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 (See Policy 309.1). Community members will be held accountable for actions involving any violations of the domestic violence statutes.

Warren County Community College will not tolerate domestic violence including harassment of any employee or student while on our campuses and other facilities. This includes physical, verbal and non-verbal threats, threatening behavior, related actions against WCCC employees, students, visitors, guests or other individuals by anyone on WCCC property that may result in physical or emotional injury or otherwise place one's safety and productivity at risk.

Any employee or student who threatens, harasses or abuses someone at the institution or uses college resources such as work time, workplace phones, fax machines, mail, email or other means to threaten, harass, or abuse someone may be subject to disciplinary action which may include dismissal and/or expulsion. Disciplinary action may also be taken against students or employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the student's performance or the employee's duties at the College.

### Emergency Circumstances

The safety of individuals on campus is essential. Should a student or employee believe that there is an immediate threat, s/he should call the local 9-1-1 operator and report an emergency situation. To contact emergency from an internal college phone, the user should dial 9-1-1. There are emergency phones in the Washington Campus parking lot that connect directly with the WCCC Security staff. Should an individual use one of these phones, the WCCC Security Staff shall contact the local police and report any emergency.

### 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. The College shall accommodate the terms of the protective or the restraining order.

### Reporting and Confidentiality

Domestic violence victims, as well as perpetrators are encouraged to report their situation and ask for assistance. Any employee or student having knowledge of abuse from a victim or perpetrator should 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. The matter will be investigated and adjudicated in accordance with the College's policies and procedures.

The College will provide resource and referral information. Work schedule or academic schedule adjustments or leave may also be provided if necessary for assistance with domestic violence situations. WCCC shall make available information and programs to students and employees for the awareness on issues of domestic violence.

All reports of domestic violence will be treated with confidentiality and respect for the privacy of the reporting individual(s). There will be no reprisals taken against an employee or student solely for being a victim of domestic violence or reporting such an incident to a College official.

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Revised: 11/18/20

## 514.9 PROCEDURES FOR DESIGNATING AND TRAINING CAMPUS SECURITY AUTHORITIES

The purpose of this Policy is to establish a process by which the Warren County Community College designates and trains Campus Security Authorities (“CSAs”) in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) (the “Clery Act”) and its implementing regulations. It is the policy of the College to comply with the Clery Act through the proper designation and training of CSAs, as that term is defined in the Clery Act and related regulations.

### Definitions:

**“Campus Security Authority”** (“CSA”) is defined. CSAs are individuals at the College who, because of their function for the College, have an obligation under the *Clery Act* to notify the College of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness.

“Clery Crimes” are defined by the Clery Act as any of the following:

- Criminal Homicide
- Aggravated Assault
- Sex Offense (rape, fondling, incest, statutory rape)
- Burglary
- Robbery
- Motor Vehicle Theft
- Arson
- Dating Violence
- Domestic Violence
- Stalking

Hate Crimes, including:

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property that are motivated by bias

Arrests and referrals for disciplinary action for any of the following:

- Liquor Law Violations
- Drug Law Violations
- Carrying and possessing illegal weapons

**“Clery Geography”** includes the College’s campuses, public property within or immediately adjacent to its campuses, and non-campus buildings or property that the College owns, leases or controls. The College’s Clery Geography is outlined on a map maintained by the College’s Campus Operations Office.

## **Procedure for Designating and Training CSAs**

### **A. Employee and Non-Employee/Volunteer CSAs**

Each employee and non-employee/volunteer CSA shall complete training with respect to the Clery Act, the College's Clery Act compliance policies and procedures, and the responsibilities of a CSA ("CSA Training"). CSA Training shall educate CSAs about the history of the Clery Act, Clery Crimes, Clery Geography, when and how to report allegations of Clery Crimes, and the College's timely warning and emergency notification processes. CSA Training shall include a self-test, which a CSA must pass with a score of 80% to earn a Certificate of Completion.

With respect to employee CSAs, the College's Human Resources Director and/or the Director of Campus Safety ("Compliance Manager") shall be responsible for designating CSAs. Human Resources shall make these designations as soon as practicable after the hiring of an employee or a change in an employee's job functions. Human Resources should consult with the College's Compliance Manager if unsure whether to designate a particular individual as a CSA.

The Human Resources Director is also responsible for monitoring and notifying CSAs of their obligation to complete CSA Training (as defined and more fully described below) annually. The College Compliance Manager shall provide oversight of and assistance to Human Resources Director as necessary in ensuring compliance.

### **B. Student Organization Advisor CSAs**

By January 31 of each year, each student organization recognized by Student Services shall provide Student Services with the name of the organization's advisor. If an organization's advisor changes, the organization must notify Student Services of the change as soon as practicable. Student Services will be responsible for providing this information to the Compliance Manager. The Compliance Manager will designate such individuals as CSAs. Student Services will make CSA training available to each designated student organization advisor.

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