

# Rights for Victims and Survivors of Sexual Assault, Domestic/Dating Violence and Stalking<sup>1</sup>



Help is available at no cost from the office of Anti-Violence Initiatives (“AVI”). AVI provides free, confidential counseling and advocacy services. For more information: <http://oavi.tcnj.edu/>.

## Victims have the right to:

- Be notified, in writing, of existing resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the institution or in the community.
- Be notified, in writing, about options for, available assistance in, and the process for requesting changes to academic, living, transportation, and working situations or protective measures. TCNJ will endeavor to make such accommodations or provide such protective measures if the victim requests them and they are reasonably available and appropriate, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Report to a confidential resource at TCNJ. Confidential means those resources are not obligated to report information that is given to them. This allows the client to explore his or her options in a no-pressure environment in order to make informed decisions. The only exceptions to this rule are in cases that involve imminent risk of serious harm, emergent hospitalization, or a court order. The following resources are available as confidential resources: Anti-Violence Initiatives, Counseling and Psychological Services, the TCNJ Clinic, Student Health Services, and clergy.
- Report to other TCNJ offices. Offices formally designated to receive complaints are the Office of Student Conduct & Dispute Resolution Services and the Title IX Coordinator. These offices have the ability to hold community members accountable for their actions, as well as provide additional support for those impacted by violence. Please note these office are not confidential and making a report to these offices may facilitate the commencement of a Student Conduct and/or Title IX investigation.
- Report or decline to report to law enforcement authorities, including The College of New Jersey Campus Police Services (“Campus Police”) and the Ewing Police Department, and to be assisted by TCNJ campus authorities in so doing.
- File a complaint with the U.S. Department of Justice and/or U.S. Department of Education Office for Civil Rights. It is against federal and state law and TCNJ policy to discriminate or retaliate against a person who, in good faith, files a complaint, participates in an investigation, or opposes discrimination.

## Rights when alcohol or other drugs is involved:

The College’s highest priority is the physical and mental health, safety, and well-being of individual students and the campus community. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of sexual misconduct. Therefore, in order to remove potential barriers to reporting sexual misconduct, the Office of Student Conduct will not charge a student with violating any expectations of student conduct regarding alcohol or other drugs if that student reports such conduct within a good faith complaint of possible sexual misconduct.

## Rights when seeking Sexual Assault Nurse Examiner (SANE) services:

- Victims may obtain a sexual assault medical forensic examination without incurring full out-of-pocket costs for that exam regardless of their decision to report to law enforcement. This exam can be obtained from Capital Health Regional Medical Center in Trenton, Capital Health Medical Center in Hopewell, RWJ University Hospital in Hamilton or the Princeton Medical Center.
- Victims of sexual assault who seek emergency services at a hospital have the right to be provided with the option to receive emergency contraception at the hospital, per New Jersey Statute N.J.S.A. 26:2H-12.6b. TCNJ students may also obtain emergency contraception at TCNJ Health Services.

<sup>1</sup> The terms “victim”, “survivor”, “complainant” and “client” are used interchangeably in this document to refer to an individual who in good faith reports having been subjected to action by another individual (the “Respondent”) that constitutes a violation of applicable law or College policy prohibiting sexual misconduct (including sexual assault, sexual battery, domestic or dating violence, and stalking). AVI aims to be a non-judgmental resource for clients. It is not the role of AVI to make and AVI expressly does not make any determination as to the guilt or responsibility of any Respondent and the use of the forgoing terms does not signify that a determination has been made that the Respondent has committed such a violation. Such a determination can only be made by a court (with respect to criminal charges or civil liability) or through the Student Conduct process (with respect to violations of the Student Conduct Code by students) or employee disciplinary process (with respect to violations of College policy by employees).

## Rights when a victim reports to Campus Police or a NJ law enforcement agency:

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- In all cases of possible physical sexual misconduct (including sexual assault and/or sexual battery), individuals are also encouraged to promptly file a report by contacting Campus Police at (609) 771-2345 or 911, or by visiting the office located in the Administrative Services Building, room 104. Like Student Conduct, Campus Police is not a confidential resource; therefore a report to Campus Police may require a criminal investigation. Although complete confidentiality cannot be guaranteed, Campus Police strives to treat all persons with equal care, respect, and dignity and will to the best of their ability, preserve the privacy of all persons involved.
- Victims of crime in New Jersey who report to law enforcement are entitled to certain rights as detailed in N.J.S.A. 52:4B-36.
- Crime victims in the state of New Jersey have the right to apply for financial assistance from the NJ Victims of Crime Compensation Agency, which can help pay for unreimbursed expenses that are the result of crimes causing personal injury or death, including lost wages, counseling, medical costs, and replacement of property held as evidence.

## Information about the Student Conduct/Title IX Investigation:

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The College shall conduct a prompt, thorough, and impartial inquiry into any non-confidential reports of sexual harassment and/or physical sexual misconduct and determine, consistent with State and local law, whether the matter will need to be reported to appropriate law enforcement or other authorities. Information shared with the listed confidential resources (AVI, CAPS, TCNJ Clinic, and SHS) will not be considered a non-confidential report of sexual harassment and/or physical sexual misconduct for these purposes and may not give rise to an inquiry (or the responsibility for an inquiry) by the College.

Parties filing a complaint against a TCNJ student or employee may choose to meet with a confidential resource from Anti-Violence Initiatives before determining whether to file a complaint through the Student Conduct or Title IX or employee disciplinary process. However, once a report is made to a non-confidential office, an investigation may commence. Anonymous complaints (those where the complaining party does not identify him or her-self) will not be accepted for action through the Student Conduct process, but will be reported to Campus Police for inclusion in the annual campus crime report ("Clery"). Student Conduct is not a confidential resource; therefore, any information provided to Student Conduct or Campus Police may require that the College follow up with an investigation. Although complete confidentiality cannot be guaranteed, Student Conduct strives to treat all students with equal care, respect, and dignity and will to the best of their ability, preserve the privacy of all students involved. Retaliation for filing a complaint is strictly prohibited by Title IX and the College.

The College strives to complete an investigation and/or disposition within 60 days of the date the complaint is filed or as soon thereafter as is practicable under the circumstances. The College will attempt to obtain consent from the individual filing the complaint before beginning an investigation. However, there may be some instances when the College may pursue an investigation regardless of the requests of the complaining party if necessary to provide a safe and nondiscriminatory environment for all students. If the complaining party chooses not to participate in the investigation process, the College's ability to respond to the complaint may be limited. The student bringing the complaint and the accused student may each be assisted by an advisor of his or her choice during any investigative meeting, pre-hearing conference meeting, and/or informal or formal hearing. The role of an advisor is to accompany the student during meetings, conferences or hearing proceedings and/or assist him or her with any hearing or conference preparations. The advisor may not participate directly in any proceedings or represent any student involved. Any cost associated with the participation of an advisor is the responsibility of the student.

The Director of Student Conduct or designee will conduct an investigation to determine if the information in the complaint merits charges against a student or students. The College may determine that interim action(s) may be necessary for the safety or security of members of the campus community or orderly administration of College operations. Should the Director of Student Conduct, in consultation with the Assistant Vice President for Student Affairs, determine that a threat to the health and/or safety of the campus community exists, an interim suspension may be applied for the accused student pending the outcome of a conduct proceeding. No permanent changes will be made to the accused student's campus housing assignment or student status pending the outcome of the conduct proceeding. However, the accused student may be relocated or removed from housing on a temporary basis. If the accused individual is an employee, the matter may be referred to the Title IX Coordinator, EEO Officer or Human Resources. If the accused individual is neither an employee nor a student, the Director of Student Conduct and Campus Police may request that the accused individual be banned from the TCNJ campus community.



Anti-Violence Initiatives (AVI) is a part of TCNJ's Health & Wellness Unit in the Division of Student Affairs. AVI provides free counseling and advocacy services for those impacted by sexual assault, domestic/dating violence and stalking and leads the prevention efforts on TCNJ's campus.