

# **The College of New Jersey**

## **Reporting Obligations in Connection with Allegations of Sexual Violence**

Responsible Employees have a duty to report to the Title IX Coordinator all relevant details of any alleged sexual violence, dating violence, stalking and sexual harassment involving a TCNJ community member about which the Responsible Employees knows or should reasonably be aware. In accordance with the United States Department of Education Office for Civil Rights' 2001 Guidance, The College of New Jersey has classified a Responsible Employee as any individual who is described in this document below. Individuals not classified as a Responsible Employee do not have the authority to take action to redress sexual violence; and have not been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; however, they are strongly encouraged to report this information as well. Students should understand that only Responsible Employees have that authority to take action or duty to report. Employees are responsible for knowing whether they are a Responsible Employee and should consult with the Title IX Coordinator with any questions or concerns about their status or obligations. Students with questions about whether a particular employee is a Responsible Employee, may ask that employee or the Title IX Coordinator.

### **Responsible Employees**

Following is a list of employees who are classified as Responsible Employees for purposes of Title IX and reporting of sexual assault, dating violence, stalking, and sexual harassment.

- I. Employees with faculty rank with one or more of the following titles, positions or assigned responsibilities
  - a. Provost, vice-provosts, associate provosts and assistant provosts
  - b. Deans and assistant deans<sup>1</sup>
  - c. Any faculty member leading, coordinating or supervising off-campus academic activities or programs such as study abroad programs, special field trips, etc.
  - d. Any faculty member who advises a recognized student organization<sup>2</sup>
- II. Student Affairs Staff
  - a. All full time & part time employees under the Division
  - b. Community Assistants ("CA")
  - c. DOES NOT INCLUDE: Student Workers and College Enhancement Interns ("CEI")
- III. Club & Organization Advisors
  - a. All registered advisors of any recognized student organization (regardless of advisor's other role at the institution)<sup>2</sup>
- IV. Athletics
  - a. All full-time or part-time coaching staff

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<sup>1</sup> Unless context clearly requires otherwise the use of term "Dean" should include Deans and Assistant Deans

<sup>2</sup> A list of student organizations that are recognized by Student Government along with their registered advisors may be found at <https://lionsgate.tcnj.edu/>.

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- b. Athletic Director
  - c. Associate Director
  - d. Athletic Trainers
  - e. Strength and Conditioning Coaches
  - f. All other athletic department staff
  - g. DOES NOT INCLUDE: Student Employees
- V. Admissions
- a. Director<sup>3</sup>
  - b. Advisors to Student Ambassadors
  - c. Student Ambassadors
  - d. DOES NOT INCLUDE: Office Support/Program Assistants
- VI. Alumni Affairs
- a. Director<sup>3</sup>
  - b. DOES NOT INCLUDE: Office Support/Program Assistants/Coordinators
- VII. Conference & Event Services
- a. Associate Vice President
  - b. Director<sup>3</sup>
  - c. DOES NOT INCLUDE: Office Support/Program Assistants
- VIII. Disability Support Services
- a. Director<sup>3</sup>
- IX. Equal Opportunity Fund (EOF)
- a. Director<sup>3</sup>
  - b. All Coordinators and Specialist
  - c. DOES NOT INCLUDE: Office Support/Program Assistants
- X. Education Abroad Programs/Center for Global Engagement/International Student Services
- a. Director<sup>3</sup>
  - b. Professional Services Specialist
  - c. Study Abroad Advisor
  - d. DOES NOT INCLUDE: Office Support/Program Assistants
- XI. Center for Community Engaged Learning & Research
- a. Director<sup>3</sup>
  - b. Senior Program Coordinator
  - c. All Coordinators and Specialists
  - d. DOES NOT INCLUDE: Office Support/Program Assistants
- XII. Center for American Language and Culture
- a. Director<sup>3</sup>
  - b. DOES NOT INCLUDE: Office Support/Program Assistants
- XIII. Center for Student Success
- a. Director<sup>3</sup>
  - b. DOES NOT INCLUDE: Office Support/Program Assistants

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<sup>3</sup> Unless context clearly requires otherwise the use of term “Director” should include Executive Directors, Directors, Associate Directors and Assistant Directors.

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- XIV. Liberal Learning Program
  - a. Director<sup>3</sup>
  - b. DOES NOT INCLUDE: Office Support/Program Assistants
- XV. Human Resources
  - a. Vice President
  - b. Associate Vice President
  - c. Director<sup>3</sup>
- XVI. Records & Registration
  - a. All full time & part time employees under the Department except those listed below in this Section XV
  - b. DOES NOT INCLUDE: Student Workers and College Enhancement Interns (“CEI”)
  - c. DOES NOT INCLUDE: Office Support/Program Assistants
- XVII. Student Accounts
  - a. All full time & part time employees under the Department except those listed below in this Section XVI
  - b. DOES NOT INCLUDE: Student Workers and College Enhancement Interns (“CEI”)
  - c. DOES NOT INCLUDE: Office Support/Program Assistants
- XVIII. Student Financial Services
  - a. All full time & part time employees under the Department except those listed below in this Section XVII
  - b. DOES NOT INCLUDE: Student Workers and College Enhancement Interns (“CEI”)
  - c. DOES NOT INCLUDE: Office Support/Program Assistants
- XIX. Board of Trustees and Executive Management
  - a. Gubernatorially appointed Trustees
  - b. Student Representatives to the Board of Trustees
  - c. Faculty Representatives to the Board of Trustees
  - d. Staff Representatives to the Board of Trustees
  - e. President
  - f. Provost
  - g. Other Cabinet Members
- XX. Campus Police
  - a. Police Chief
  - b. Police Captain
  - c. Police Lieutenant
  - d. Police Sergeants
  - e. Other Law Enforcement Officers within Campus Police
  - f. Security Officers

# **The College of New Jersey**

## **Confidential Resources (Not Required to Report)**

Mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, and any other person with a professional license requiring confidentiality, and employees who are supervised by such a person are not required to report incidents of alleged sexual violence to the Title IX Coordinator in a way that identifies the student who allegedly experienced the sexual violence if that student does not consent to such disclosure.

Professional counselors and pastoral counselors<sup>4</sup> whose official responsibilities include providing mental-health counseling to members of the TCNJ community are not required to report any information regarding an incident of alleged sexual violence to the Title IX Coordinator.

Some people who provide assistance to students who experience sexual violence are not professional or pastoral counselors. They include all individuals (including front desk staff and students) who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women's centers, or health centers ("non-professional counselors or advocates"). These individuals are not required to report incidents of sexual violence in a way that identifies the student without the student's consent, but should still report aggregate (non-personal identifying) data about sexual violence incidents to the Title IX Coordinator.

The following departments and organizations oversee individuals who are professional or pastoral counselors or non-professional counselors or advocates that serve as confidential resources.

Anti-Violence Initiatives (AVI)  
Counseling and Psychological Services (CAPS)  
Student Health Services (SHS)  
Alcohol and Drug Education Program (ADEP)  
Collegiate Recovery Program  
TCNJ Clinic  
Employee Assistance Program (EAP)  
Local Chaplains/Religious Advisors

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<sup>4</sup> For these purposes TCNJ applies the definitions provided by the United States Department of Education Office for Civil Rights: "[A] professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of [TCNJ], but are under contract to provide counseling at [TCNJ]. This includes individuals who are not yet licensed or certified as a counselor, but are acting in that role under the supervision of an individual who is licensed or certified." "A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor." (See *Questions and Answers on Title IX and Sexual Violence* (April 29, 2014) footnote 26 (<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>))

# **The College of New Jersey**

## **Not Responsible Employees**

Incumbents of positions listed below or positions within departments listed below are not classified as Responsible Employees and incumbents of these positions do NOT have an obligation to report solely by virtue of their status in such positions; provided, however, that individuals with these titles or within these departments may still be classified as a Responsible Employee if they hold a title or position or are assigned responsibilities set forth in the Responsible Employee section above and may have a reporting obligation to the extent that they are acting in that Responsible Employee section role.<sup>5</sup>

- Faculty
- Building Services
- Campus Planning/Construction
- Center for Institutional Effectiveness
- College Relations
- College Advancement
- Communication, Marketing, and Brand Management
- Development
- Enterprise Applications
- Facilities
- Finance and Business Services
- General Counsel
- Graduate Studies
- Maintenance
- Help Desk
- Parking
- Payroll
- Library

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<sup>5</sup> Any employee with questions about whether they are a Responsible Employee in a given situation should consult with the Title IX Coordinator. Students with questions about whether a particular employee is a Responsible Employee, may ask that employee or the Title IX Coordinator.