

You have options.
TCNJ can help.



THE COLLEGE OF NEW JERSEY
OFFICE OF TITLE IX
& SEXUAL MISCONDUCT

Resource Guide for the
New Title IX Regulations

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In 1972, Title IX of the Education Amendments was enacted and was a way for the federal government to overtly recognize and prohibit discrimination on the basis of sex in public institutions that receive federal funding. “In the four decades following its enactment, no Title IX regulations have been promulgated to address sexual harassment as a form of sex discrimination; instead, the Department of Education has addressed this subject through a series of guidance documents” ([U.S. Federal Register](#)) disseminated by the Office of Civil Rights (OCR).

OCR, the body that enforces compliance with Title IX, regularly publishes guidance through “Dear Colleague” letters (DCL) as a means of ensuring that institutions and the general public understand how the decisions, such as those around Title IX, apply to all institutions of learning, including institutions of higher education (IHEs) (Hepler, 2013; U.S. Department of Education, n.d.). These documents have essentially served as guidelines for institutions to follow, rather than a prescribed formula. Ultimately, they aimed to offer insight on how IHEs could adjust their own policies and practices to enhance civil rights protections and uphold their legal obligations under Title IX (U.S. Department of Education, n.d.).

Under President Barack Obama’s administration, there were targeted efforts that demonstrated a broad, comprehensive response to strengthen Title IX guidance and reduce violence against women, especially OCR’s issuance of the pivotal [2011 DCL](#). The 2011 DCL placed IHEs on notice and demanded they do better to resolve students’ reports of sexual assault and protect their rights throughout the process. Additional guidance had also been issued in a [2014 DCL and Q&A](#), which offered further detail on how to maintain federal compliance.

Some perceived the guidance to be a step in the right direction and felt that it provided a means to hold IHEs accountable for mishandling Title IX cases while providing the motivation and support that IHEs needed to implement prompt and impartial processes to resolve incidents of sexual violence. While on the other hand, some felt that the Obama-era guidance lacked due process and inequitably favored victims/survivors, which compromised the rights of the accused. Although the DCLs only aimed to offer recommendations, each has been interpreted by IHEs as though it was federal law. “To the extent that guidance was viewed as mandatory, the obligations set forth in previous guidance were issued without the benefit of notice and comment that would have permitted the public and all stakeholders to comment on the feasibility and effectiveness of the guidance” ([U.S. Federal Register](#)). Given the criticisms and since the guidance was being interpreted in this manner, the Trump administration felt as though the previous administration had overstepped its bounds and took steps to withdraw the DCL’s guidance.

On September 7, 2017, President Donald Trump's Secretary of Education, Betsy DeVos, issued interim guidance which withdrew the guidance in the 2011 & 2014 letters and signaled a shift in policy when it came to federal enforcement of regulations governing campus sexual assault (Camera, 2017). Over a year after the guidance was rescinded, the DOE published a draft of their [proposed Title IX regulations](#) in the Federal Register, which officially commenced the federal rule making process. This process required a 60-day comment period where the general public could weigh in on the proposed rule and submit feedback in support or against the proposal.

Upon the conclusion of the comment period (February 2019), the DOE received over 104,000 comments and subsequently began to review these comments. The goal of the comment period was to provide the government with an opportunity to infuse the recommendations and make any necessary edits to the rule based upon the points raised by the general public.

On May 6, 2020, the U.S. Department of Education released the [Final Title IX Rule](#), which is over 2000+ pages. These regulations required all IHEs, including TCNJ to implement a variety of changes prior to the implementation date of August 14, 2020.

To comply with federal law, the College created one comprehensive [Sexual Harassment, Misconduct, & Discrimination Policy](#) that incorporates violations under Title IX as well as other behaviors considered to be forms of sexual misconduct.

Some of the major changes to our Policy and procedures, pertained specifically to the:

- Definition of sexual harassment
- Scope & jurisdiction
- Investigative protocols
- Role of Advisor
- Consideration of information

A summary of these changes, along with other helpful information relating to the Office of Title IX & Sexual Misconduct can be found within this resource guide.

Relevant Terminology from the Sexual Harassment, Misconduct, & Discrimination Policy:

Education Program or Activity: includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Effective Consent: informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity.

- A person may be unable to give **Effective Consent** when they are unable to consent due to their age, or because the person is physically helpless, mentally Incapacitated, or Incapacitated from alcohol or other drugs.
- **Effective Consent** to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- **Effective Consent** is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- **Effective Consent** may be initially given but withdrawn at any time.
- **Effective Consent** cannot be given when it is the result of intimidation, force, or threat of harm.
- When **Effective Consent** is withdrawn or can no longer be given, sexual activity must stop immediately.

Incapacitation: a state in which a person lacks the capacity to understand the fact that a situation is sexual, or cannot understand or make a rational and reasonable judgment about the nature and/or extent of a situation (the “who, what, when, where, why and how” of the sexual interaction). A person who knows or should reasonably know that another person is incapacitated may not engage in sexual activity with that person.

- **A person is incapacitated if they are:**
 - o (1) sleeping;
 - o (2) passed out or otherwise unconscious;
 - o (3) under the age of consent or under a certain age in relation to the other party to the sexual activity (both of which are matters of state law);
 - o (4) due to a disability, do not have the mental capacity to consent.

A person who does not meet any of those criteria or conditions may become incapacitated through the use of alcohol or drugs. A person’s state of incapacity is a subjective determination based on all of the facts available. Every person reaches incapacitation at different points and as a result of different stimuli.

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than that required to produce the minimum levels of influence, impairment, intoxication, inebriation, or drunkenness. Factors that can influence a person’s status include gender, body size and composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs taken or administered, and the mixture taken; amount of food intake prior to ingestion;

propensity for blacking out; genetics; and time elapsed since the ingestion of the alcohol or drugs.

The effects of alcohol and Drug use often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. It exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which the person is conscious, but has limited ability to form or retain memories, and may exhibit verbal or non-verbal (e.g., a nod) expressions that under normal circumstances between two individuals acting with full capacity might reasonably be interpreted as conveying consent. Because that person does not have the capacity to consent, despite those expressions, consent is lacking. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication due to alcohol and/or Drug use. The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity. Some medical conditions may also cause incapacitation. Incapacity can result from factors including, but not limited to mental disability, involuntary physical restraint, or the administration of substances

Hearing Administrator: includes any person hired and/or trained by the College who is designated by the Office of Title IX & Sexual Misconduct to conduct formal administrative hearings surrounding violations of Prohibited Conduct

Intimate Body Part: Per College *Policy*, includes sexual organs, genital areas, anal area, inner thigh, groin, buttock, or breast of a person.

Official with Authority: any official of the College who has authority to institute corrective measures on behalf of the College. When an Official with Authority receives a disclosure or becomes aware of alleged Prohibited Conduct, this conveys Actual Knowledge to the College and triggers the College’s response obligations under the Final Title IX Rule. Examples of Officials with Authority include, but are not limited to, representatives from the Dean of Students Office, Residential Education (limited to professional staff), Human Resources, and Campus Police Services.

Policy: unless otherwise stated refers to the College’s *Sexual Harassment, Misconduct, & Discrimination Policy*.

Reporter: an individual(s) who has allegedly experienced Prohibited Conduct under the College’s *Policy*. In other contexts, Reporter may be synonymous with victim/survivor.



Respondent: the individual(s) who is alleged to have engaged in Prohibited Conduct, violating the College's *Policy*. They may be subject to an investigation or procedural requirements. In other contexts outside of the Office of Title IX, the "Respondent" may be synonymous with perpetrator.

Third Party: any individual(s) who are neither Students nor Employees of the College, including but not limited to contractors, guests, and consultants.

Definition of Sexual Harassment

Previous Practice

v.s.

New Title IX Rule

Former definition of Sexual Harassment:

*"Conduct of a sexual nature or based on gender or sexuality that is severe **or** pervasive enough to create a Hostile Environment, as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments."*

Sexual Harassment as defined by the new Title IX Rule:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual contact (commonly referred to as "quid pro quo")
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to an institution's education program; or
- 3) Sexual Assault, Dating & Domestic Violence, and Stalking as defined by the Clery Act and Violence Against Women Act.

What does this mean for TCNJ?

TCNJ was required to adopt the new definition of Sexual Harassment to comply with federal law.

However, in addition to adopting the new federal definition within College Policy, TCNJ will continue to prohibit behavior that would constitute Sexual Harassment under the original definition to comply with New Jersey state law.

Further, TCNJ will also continue to address behavior that does not meet the narrowed definition of Sexual Harassment under Title IX through the College's *Sexual Harassment, Misconduct, & Discrimination Policy*.

Title IX Jurisdiction

Previous Practice

v.s.

New Title IX Rule

<p>Previous Title IX guidance focused on WHO was impacted by the alleged misconduct, rather than <u>WHERE</u> it occurred.</p> <p>This meant that regardless of whether the incident happened on-campus, while studying abroad, or elsewhere, they were afforded all of the same rights/options under Title IX if the Reporter was associated with TCNJ.</p>	<p>Title IX jurisdiction only applies to incidents that meet all three criteria:</p> <ol style="list-style-type: none">1) Rise to the definition of Sexual Harassment2) Occur within an institution's <u>Education Program or Activity</u>3) Occur within the United States. <p>Education Program or Activity = includes all of the College’s operations, including:</p> <ul style="list-style-type: none">• locations, events, or circumstances over which the College exercises substantial control over both (1) the Respondent and (2) the context in which the conduct occurs; and• any building owned or controlled by a student organization that is officially recognized by the College.
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What does this mean for TCNJ?

TCNJ is required to view & apply the jurisdiction of Title IX as intended by the Title IX Final Rule.

BUT -- TCNJ will still continue to address the behavior that occurs within AND outside the jurisdiction of Title IX (including off-campus and abroad) that would still constitute Prohibited Conduct under the comprehensive, new *Sexual Harassment, Misconduct, & Discrimination Policy*.

Therefore, regardless of *where* the incident occurred, members of the TCNJ campus community will still be afforded various rights, resources, and options.

Responsible Employees

Previous Practice

v.s.

New Title IX Rule

In accordance with the Office for Civil Rights (OCR), a responsible employee included any employee who (1) has the authority to take action to redress sexual violence; (2) has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator; or (3) a student could reasonably believe has this authority or duty.

Once a Responsible Employee received a disclosure, the IHE was considered to be “on notice” and had an obligation to respond.

Responsible Employees are no longer mandated by OCR. However, IHEs can choose to still implement their Responsible Employee practices should they wish.

BUT – Technically an IHE only has “Actual Knowledge” of an incident once an Official with Authority receives an allegation of Prohibited Conduct.

What does this mean for TCNJ?

Although not required by law, TCNJ will maintain their current Responsible Employee practices.

Responsible Employees are employees at TCNJ who have a duty to report to the Title IX Coordinator any disclosures they receive regarding incidents of Prohibited Conduct including but not limited to, sexual assault, dating/domestic violence, and sexual harassment/discrimination. Even though Responsible Employees are non-confidential resources, these individuals can still be discreet and helpful in navigating resources & reporting options. Remember - even if a report is made on your behalf, you are not required to move forward with any type of resolution process and can simply receive supportive measures if you'd like.

Some examples of Responsible Employees include:

- Community Advisors, Orientation Leaders, Griffins
 - Deans, VPs, & Provosts
 - Student Affairs staff
- Advisors to recognized student organizations
 - Athletic coaches & staff
 - Campus Police

For more information regarding the role and who at TCNJ specifically is a Responsible Employee, check out the Office of Title IX & Sexual Misconduct's [Responsible Employee webpage](#).

Officials with Authority is a new term that refers to officials at the College who have the authority to institute corrective measures.

- Corrective measures may include: Housing & academic modifications, No Contact Directives, sanctions, & more.

Examples of Officials w/ Authority include, but are not limited to:

- Staff within the Dean of Students Office
 - e.g. Title IX & Sexual Misconduct staff, CARE case managers, and Student Conduct staff
- The College's Equal Employment Officer
- Professional staff within Residential Education

When an Official with Authority receives an allegation of Prohibited Conduct, the College has the obligation to respond in a way that balances the wishes/needs of the Reporter & the safety of the campus community.

NOTE - Disclosing to a Responsible Employee does not mean that the College has "Actual Knowledge" of the alleged behavior. The College can only implement supportive measures and seek to address the behavior if it has "Actual Knowledge" of the alleged Prohibited Conduct - which requires an Official with Authority to be notified (either by the Reporter, Third Party, or a Responsible Employee with the obligation to report harassment).

Reporting Options & Formal Complaints

Anyone can submit a report of alleged Prohibited Conduct to the Office of Title IX & Sexual Misconduct. This includes students, faculty/staff, third-parties, and even those outside of the TCNJ community.

Reports can be made to the Title IX Coordinator or EEO Officer (if the Respondent is an employee) at any time (including during non-business hours) through a variety of methods, including via:

- the College’s online [Title IX & Sexual Misconduct Reporting Form](#), as well as
- in person, by mail, by telephone, or email using the contact information listed below for the Title IX Coordinator,
- or by any other means that results in the Title IX Coordinator or EEO Officer receiving the person’s verbal or written report.

Title IX Coordinator	EEO Officer
<p>Chelsea Jacoby, Ed.D. Director of Title IX Compliance & Sexual Misconduct Title IX Coordinator Brower Student Center, 2nd Floor 609-771-3112 titleix@tcnj.edu</p>	<p>Kerri Tillett, Esq. Associate Vice President, Diversity & Inclusion Director of EEO and Affirmative Action Brower Student Center, 2nd Floor 609-771-3139 e eo@tcnj.edu</p>

A **Formal Complaint** is a document filed & signed by a Reporter or the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College proceed with a grievance process into the allegations.

Under the new Title IX Final Rule, a Formal Complaint is required prior to proceeding with **any** resolution process through the College (this includes informal resolution as well).

Things to note -

- At the time of filing a Formal Complaint, a Reporter must be participating in or attempting to participate in TCNJ’s Education Program or Activity.
- A Reporter can still receive Supportive Measures from the College with or without signing a Formal Complaint.

- If the Reporter does not wish to sign a Formal Complaint, but the Title IX Coordinator believes it necessary to investigate the allegations to maintain the safety of the campus community, the Title IX Coordinator will sign the Formal Complaint. However, the Reporter is **not** required to participate – they can participate to the extent to which they feel comfortable doing so.

Sample Formal Complaint –

FORMAL COMPLAINT

Reporter

I, Alex Andrews, am alleging that on or around [date of incident],

Respondent → Taylor Thomas touched me inappropriately in areas of my intimate

body parts without my Effective Consent while at their on-campus residence. This document serves as a formal request for The College of New Jersey to proceed with a resolution process through the College. Specifically, the process I'm requesting to be used to resolve this incident is:

Brief description of allegation

Location of alleged incident

☐ Option 1 – Formal Administrative Investigation & Hearing

☒ Option 2 – Alternative Resolution Process

Alex Andrews
Reporter Signature

8/16/2020
Date

Use of an Advisor

Previous Practice

v.s.

New Title IX Rule

Students were encouraged to use an Advisor for any meetings or proceedings through the Office of Title IX & Sexual Misconduct, but they were **not** required to have one.

The Advisor served a limited role in that they could offer support/guidance to the party, but couldn't participate directly in any proceedings or represent any party involved.

Should the Formal Grievance Process be used, and the case moves to a live formal hearing, each party is **required** to have an **Advisor** present at the hearing to conduct cross-examination on their behalf.

What does this mean for TCNJ?

Each party is still encouraged to have an Advisor present when meeting with the Office of Title IX & Sexual Misconduct, but TCNJ will only mandate the presence of an Advisor for the purposes of the live-hearing to comply with federal law.

However, TCNJ has set parameters on the extent to which Advisors may participate in any meeting/proceeding outside of the cross-examination portion of a formal hearing, and enforce regulations regarding appropriate decorum Advisors will have to adhere to.

Things to note about Advisors –

- An Advisor is someone who can help you navigate the reporting and/or resolution process.
- An Advisor may be a friend, family member, lawyer or other individual of the student’s choosing. A party may also utilize one of the College's trained faculty/staff Advisors who have received specific training on the College Policies, processes, and student rights.
- Specifically, an Advisor can help...
 - o prepare for and accompany the party to any meetings/proceedings
 - o clarify potential areas of confusion (especially if they are familiar with the College reporting/resolution procedures)
 - o provide objectivity and other forms of emotional or tangible support
 - o be a sounding board without fear of judgment
 - o assist in an appeals process

Formal Investigation Process

Previous Practice

v.s.

New Title IX Rule

Evidence was only shared directly with the Reporter & Respondent.

Parties had the choice to review the evidence/investigative report in person or electronically & typically had ~ 5 days to submit a response.

Information that was not related to the allegations (e.g. prior disciplinary history/conduct, separate allegations involving the Respondent, perceived character of involved parties) was often redacted by Investigators since that information had no bearing on determining responsibility.

Parties & their respective Advisors will receive access to the evidence collected unless explicitly stated otherwise by the party.

Parties review the evidence/report electronically and are offered two separate 10-day periods to review and respond to the evidence/investigative report.

Information that isn't relevant, but still directly related to the allegations must be available for inspection & review in the "directly related evidence" document.

What does this mean for TCNJ?

TCNJ was required to slightly modify the investigative protocols for the Formal Grievance Process as stated above. However, TCNJ has set parameters on the extent to which Advisors can disclose any information they become aware of through the process or share information on behalf of a party.

See below for an overview of the investigative process.

Overview of Formal Investigation Process

Step 1:

Formal Complaint

Formal Complaint signed by the Reporter or the Title IX Coordinator.

Step 2:

Notice of Allegations

Notice sent to both Reporter & Respondent with sufficient time and detail for parties to prepare for an initial interview and adequately respond.

Step 3:

Investigation

Thorough search for relevant facts/evidence. Involves interviewing both parties to gather relevant information/documentation regarding the allegations & identify relevant witnesses. Anyone interviewed has the chance to review/request edits to their documented statement to ensure its accuracy & completeness.

Step 4:

Compilation of Preliminary Report

Investigator(s) compile a preliminary report which includes, as applicable, statements from both parties, witnesses, & a summary of any other information/documentation obtained. Any evidence shared that is directly related to the allegations, but not relevant, is included in a separate document.

Step 5:

Evidence Review & Response

Parties & their Advisor receive access to the **preliminary** report & all evidence directly related to the allegations obtained during the investigation & have 10-days to inspect the information and submit a written response.

Step 6:

Finalize Investigative Report

Investigator(s) will shift evidence between the investigation report & directly related evidence document based on party feedback & as appropriate, pursue any other necessary investigative steps, & issue a final investigation report, which fairly summarizes all relevant information received throughout the investigation.

Step 7:

Evidence Review & Response

Parties & their Advisor receive access to the **final** report & all evidence directly related to the allegations obtained during the investigation & have 10-days to inspect the information and submit a written response.

Step 8:

Finalizing & Sharing of Report

Investigator(s) will consider the parties' responses and will revise the investigation report and/or directly related evidence document as needed. The finalized investigation report & the directly related evidence document is then shared with both parties, their Advisors, & the Hearing Administrator (if applicable).

Formal Administrative Hearing

Previous Practice

v.s.

New Title IX Rule

<p>Parties were able to have an Advisor present for the hearing, if they wished.</p> <p>Advisors could not speak on behalf of a party.</p> <p>All questions asked by a Reporter or Respondent were funneled through the Hearing Administrator, rather than to one another or to any witness directly.</p> <p>In the event that an individual could not or chose not to participate at the formal hearing, any information they initially provided during the investigation could be used by the Hearing Administrator when making a determination of responsibility.</p>	<p>Parties are required to have an Advisor present for the live-hearing, or the College will provide the party with one.</p> <p>Advisors will speak on behalf of a party only for the purposes of conducting cross-examination.</p> <p>Cross-examination, which involves the questioning of parties & witnesses, <u>must be done by each party’s Advisor and conducted directly, orally, and in real-time.</u></p> <p>Information not tested by cross-examination cannot be considered by the Hearing Administrator when related to Title IX allegations.</p>
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What does this mean for TCNJ?

TCNJ was required to adopt these practices to comply with Federal law. However, TCNJ...

- has set parameters on the extent to which Advisors may participate in any meeting/proceeding outside of the cross-examination capacity during the hearing
- will enforce strict rules of decorum all parties & Advisors are required to uphold
- Will not limit the consideration of information pertaining to other forms of Prohibited Conduct (outside of Title IX jurisdiction)
 - o This means that information relating to other forms of Prohibited Conduct that was not tested by cross-examination may still be considered by the Hearing Administrator when making a determination regarding responsibility.

See the [Formal Grievance Process](#) webpage through the provided link for more details on the structure and procedure of a formal administrative hearing.

Appeals

Previous Practice

v.s.

New Title IX Rule

Both students could appeal:

- 1) If no formal charges were placed by the Assistant Vice President for Student Affairs
- 2) The decision and/or any sanctions issued following a formal hearing, regardless of whether the Respondent was found in-violation of the Policy or not.

Both parties must be offered the opportunity to appeal:

- 1) The dismissal of a Formal Complaint
- 2) The outcome rendered from a formal hearing

Required grounds for appeal:

- **Procedural irregularity** that affected the outcome.
- **New evidence** that was not reasonably available at the time the determination or dismissal was made that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a **conflict of interest or bias** for or against either party generally, or the individual complainant or respondent that affected the outcome of the matter.

What does this mean for TCNJ?

TCNJ was required to adopt these practices to comply with Federal law, but truthfully only slight modifications needed to be made to the appeals offering/process as TCNJ’s original process already afforded parties due process.

Things to note about Appeals –

- All appeals must be submitted within five business days of receiving the written outcome/decision.
- TCNJ will continue to offer two other grounds for appeal in addition to those required by law, specifically:
 - o **Information Review** To determine whether info presented in the Formal Complaint, investigation process, and/or formal hearing that, if believed by the



- administrator, was sufficient to warrant the continuation of a College resolution process or establish that a violation(s) of the *Policy* occurred.
- **Sanction Review.** The sanction(s) designated by the formal Hearing Administrator was clearly inappropriate and/or disproportionate to the Prohibited Conduct for which the Respondent was found in violation.
 - The following individuals will serve as Appeal Officers when an appeal is submitted:
 - The dismissal of a Formal Complaint = AVP or HR representative*
 - Outcome(s) rendered at formal hearing = VPSA or VP for Inclusive Excellence*
 - * = reviewer when case involves an employee Respondent

Resolution Timeframes

Previous Practice

v.s.

New Title IX Rule

<p>As directed by federal guidance, the College attempted to resolve every report (where the student was the Respondent) within 60 calendar days of the report being made. (excluding any relevant appeal period), with the ability to extend this time frame for good cause (e.g. final exams, breaks in the academic calendar, availability of parties, etc.).</p>	<p>In the Title IX Final Rule, the federal government declined to define a specific timeframe to which institutions must complete grievance processes. Rather, they left it up to the discretion of schools to determine what would be a reasonably prompt time frame, while taking into account appeals, informal resolution processes, etc.</p>
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What does this mean for TCNJ?

- TCNJ will continue to resolve Formal Complaints in as prompt a timeframe as possible, and extend the timeline only in instances of good cause.
- The timeframes to which College will aim to resolve Formal Complaints depend on the type of process used, specifically -
- Formal Grievance Process - **90 business days***
 - o This was extended from previously used timeframe to account for the two separate 10-day review periods that are now required during the investigation process.
 - Alternative Resolution - **60 business days***
- *Where either or both party is a TCNJ employee, this timeframe may be impacted by collective bargaining agreements.

Available Resources

A variety of resources exist both on and off-campus, and even online, to support those who have been impacted sexual violence.

A summary of private & confidential resources can be found below, and information on available external resources & websites that may be helpful can be accessed via the Office of Title IX & Sexual Misconduct’s [Resources webpage](#).

What is the difference between a private and confidential resource?

Private Resources	Confidential Resources
Information related to a report of Prohibited Conduct will be kept private meaning it will only be shared with a limited circle of individuals. The use of this information is limited to those employees, or other relevant parties and their respective Advisors who “need to know” in order to assist in the active review, investigation, or resolution of the report filed. While not bound by confidentiality, these individuals are expected to be discreet and respect the privacy of all individuals involved in the process.	Information shared with confidential resources cannot be revealed to any other individual without the express permission of the individual. These resources are prohibited from sharing confidential information with others unless there is an imminent threat of Harm to self or others, a suspicion of child abuse, or by order of a court of law.

Private Resources –

The Office of Title IX & Sexual Misconduct

As a member of the TCNJ community, you have the right to be protected from sex & gender-based discrimination under Title IX and other College policies, including sexual assault, dating/ domestic violence, stalking, sexual harassment, sexual exploitation, and other forms of Prohibited Conduct. The Office of Title IX & Sexual Misconduct at TCNJ is committed to creating and maintaining an educational and work environment free from all forms of sexual violence, and to provide fair and equitable support and processes in which all students, faculty, and staff can learn, work, thrive and succeed. Whether you have experienced harm, have been accused of perpetrating harm, or are simply looking for information on how to support a friend who may have been impacted by sexual violence in some way, the Office of Title IX & Sexual Misconduct and our partners across campus are here for you.

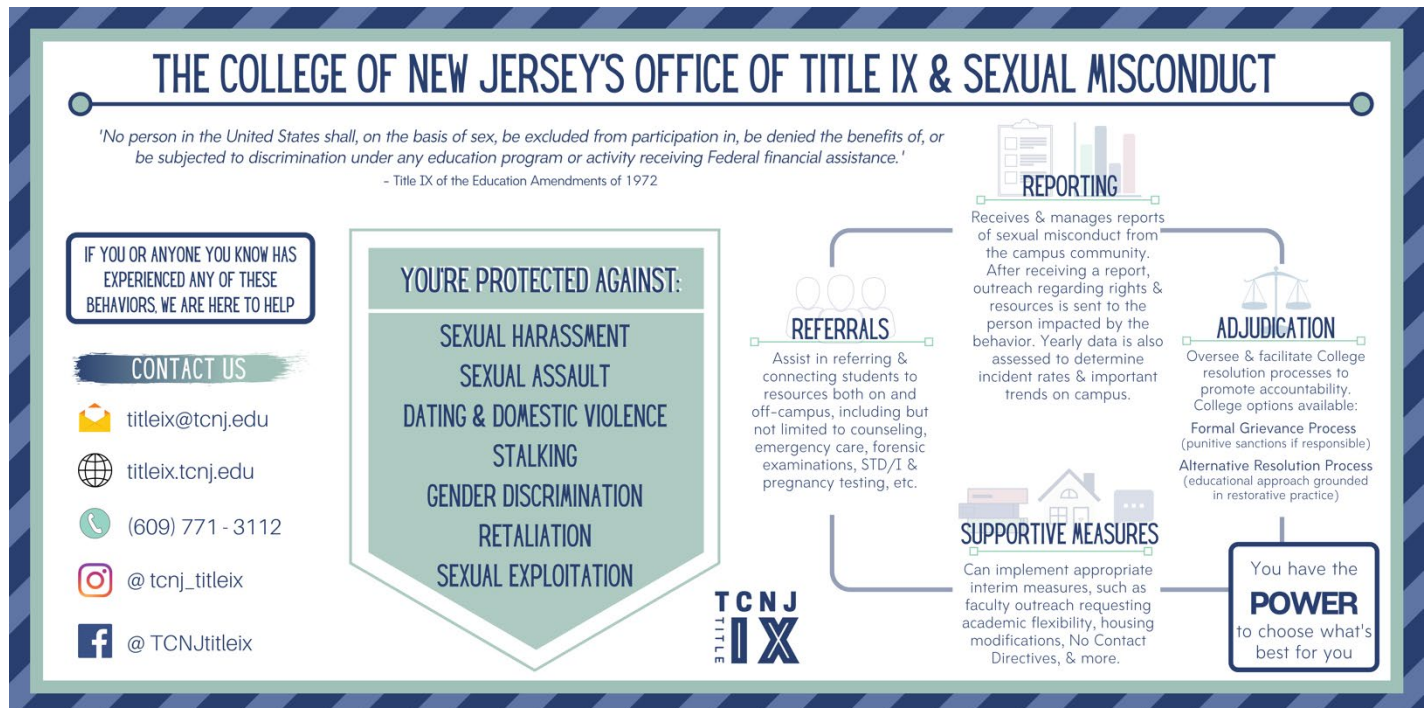
Location: Brower Student Center, Suite 220

Phone: 609-771-3112

Hours: Monday - Friday: 8:30am - 4:30pm

Website: titleix.tcnj.edu

File A Report: bit.ly/TCNJ-TIX-Reporting-Form



Coordination of Advocacy Resources for Empowerment & Support (CARES)

Dean of Student's Office CARES Program

The Dean of Student's Office CARES Program connects students to resources that foster personal, academic and professional development through collaboration, coordination, facilitation, and execution of resources and support services. The CARE program also provides complex post-vention services for students experiencing personal, family, medical, and/or financial crisis.

Location: Brower Student Center, Suite 220

Phone: 609-771-CARE (2273)

Hours: Monday - Friday: 8:30 am - 4:30 pm

Website: tcnjcares.tcnj.edu

Campus Police Services

Location: Administrative Services Building (ASB), Room 104

Phone: 609-771-2345 or 9-1-1

Hours: 24 hours a day, 7 days a week

Confidential Resources –

Anti-Violence Initiatives (AVI)

Offers confidential clinical counseling services to those who have experienced or have been impacted by sexual violence (i.e. sexual assault, domestic/dating violence, and stalking).

Location: Forcina Hall, Room 308

Hours: Monday-Friday: 8:30 am -4:30 pm or by appointment

Phone: (609) 771-2272

Website: oavi.tcnj.edu

Link to schedule appointment: oavi.tcnj.edu/get-help-2/victims-survivors/schedule-a-meeting

Mental Health Services (MHS)

Mental Health Services offers group counseling, brief individual counseling and referral services to TCNJ undergraduate and graduate students. These services are provided free of charge.

Location: Eickhoff Hall, Room 107

Phone: 609-771-2247

Hours: Monday - Friday: 8:30 am - 4:30 pm

Request for Services: caps.tcnj.edu/counseling-services/request-for-services-form

CAPS Group and Workshop Program: caps.tcnj.edu/counseling-services/caps-groups

AFTER HOURS: Contact TCNJ Police at 911 from any campus phone or 609-771-2345 from a cell phone or Capital Health Emergency Mental Health Services & Mobile Outreach (24/7) 609-396-HELP (4357)

****For Mental Health Emergencies, Medical Emergency, or Imminent Danger:**

Contact **Campus Police** by dialing **911** from any campus phone or **609-771-2345** from a cell phone.

- **Hotlines:**

- NJ Hopeline (24/7) 1-855-654-6735
- National Suicide Prevention Lifeline (24/7) 1-800-273-TALK (8255)
- TTY: 1-800-799-4TTY (4889)
 - Press "1" for Veterans

Student Health Services (SHS)

Student Health Services provides, promotes, supports, and integrates individual healthcare, clinical preventive services, clinical treatment for illness, patient education, and public health responsibilities. SHS can evaluate and treat minor physical injuries, as well as test for STIs & pregnancy, and provide appropriate medications, among other services.

Location: Eickhoff Hall, Room 107

Phone: 609-771-2889

Hours: Monday - Friday: 8:30 am - 4:00 pm

Website: health.tcnj.edu

Community Counseling Collaborative (CCC)

Is a group of outside clinicians that provide services to TCNJ students either on-campus or at an off-campus location, whichever is preferred by the student. The clinicians accept various forms of insurance, and many will accept payments on a sliding scale, which means students who do not have insurance or cannot afford typical payments, would only be expected to pay what they can manage.

Location: Forcina Hall & off-site locations available

Website: mhs.tcnj.edu/counseling-services/community-counseling-collaborative

Center for Integrative Wellness (Clinic)

The Center for Integrative Wellness (TCNJ Clinic) is an outpatient facility that offers professionally supervised, low-fee, couples & family therapy and individual counseling to Mercer County and TCNJ residents, as well as the surrounding communities.

Location: Forcina Hall-124

Phone: (609) 771-2700

Hours: Monday 9 a.m.- 4:30 p.m., Tuesday-Thursday 9 a.m.- 9 p.m. and Friday 9 a.m.- 4 p.m.

Website: ciw.tcnj.edu

Womanspace (off-campus resource)

Womanspace, Inc. is a leading nonprofit agency in Mercer County, New Jersey, that provides a comprehensive array of services to individuals and families impacted by domestic and sexual violence and dedicated to improving the quality of life for adults and their families. Programs include crisis intervention, emergency shelter, counseling, court advocacy and housing services.

24-Hour Crisis Line: (609) 394-9000

Website: www.womanspace.org

Location: 1530 Brunswick Ave, Lawrenceville, NJ 08648

Note – Womanspace serves those of all gender identities



Overview of On-Campus Resources

	<i>Title IX</i>	<i>AVI</i>	<i>MHS</i>	<i>CIW</i>	<i>CCC</i>
Confidential Resource	Private Resource	✓	✓	✓	✓
Can implement interim measures	✓	✓			
Offer short-term counseling services	Will refer to services	✓	✓	✓ <small>Extended care avail.</small>	✓ <small>Extended care avail.</small>
Individual counseling sessions offered		✓	✓	✓	✓
Group counseling sessions			✓	✓	
Free services	✓	✓	✓	\$15 per session	Accepts various insurance & sliding scale
Oversee College adjudication & resolution processes	✓	✓			✓

TCNJ'S

TITLE IX

Student Advisory Committee

COMMITTEE OBJECTIVES

In collaboration with the Title IX Staff, the Student Advisory Committee will serve to:

- present suggestions & student perspectives on policy, procedures, programming, and education efforts relating to sexual violence to the Office of Title IX;
- establish effective and collaborative liaison relationships between students, staff, and faculty;
- help identify emerging issues; and
- raise awareness about ongoing efforts to reduce sexual violence that impacts our campus community.

The Title IX SAC will meet monthly throughout the semester, but could fluctuate depending on the needs of the campus.

WHEN TO JOIN?

Students interested in serving on the Title IX Student Advisory Committee (SAC) for the 2020-2021 year should join **NOW!**

HOW TO JOIN?

Simply fill out the interest form through the button above & you'll receive follow-up with more details on next steps!

We recognize that many members of our campus community may be searching for a way to be increasingly involved in efforts to reduce sexual violence on our campus, especially considering the current climate. As such, the Office of Title IX is currently inviting students to participate on the TCNJ Title IX Student Advisory Committee (SAC) for the 2020-2021 year.

For those interested in focusing on this work we invite you to join the Title IX Student Advisory Committee through the blue button below.

[Join the TIX SAC](#)

Goals & Objectives of TIX SAC for Fall 2020 -

- 1) Increase engagement with Title IX's social media by reaching 3,000 followers on Instagram by the end of Fall 2020.
 - a. As of 8/30/20 we have 2,162 followers
 - b. Will need a gain of 838 followers to achieve this goal
- 2) Meaningfully interact with at least 20 different campus community members each month through various means such as in-person (virtual) events, workshops, sessions, etc.
- 3) Connect with at least 10 separate academic courses to provide overview of the Office of Title IX & Sexual Misconduct.
- 4) Collaborate with 5-10 student organizations on campus to spread awareness of students' rights/options & disseminate information about the Office & resources we can provide.

The intent is to revisit these upon the end of the Fall semester and see if/how they may change once the format of the Spring 2021 semester is better understood.



WIN PRIZES

BE INFORMED

STAY UP TO DATE

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 titleix.tcnj.edu