

Rights for Victims and Survivors of Sexual Assault, Domestic/Dating Violence, and Stalking¹



This document provides a summary of victim rights at The College of New Jersey, for more information about reporting and resolution options for incidents of sexual harassment/misconduct, please refer to the [Sexual Harassment, Misconduct, & Discrimination Policy](#) and the [Office of Title IX & Sexual Misconduct's website](#).

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 visit, 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 Supportive Measures such as, 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 sign a Formal Complaint or report the crime to campus police or local law enforcement.
- Report to a confidential resource at TCNJ. Confidential resources are not obligated to report information that is given to them. This allows the client to explore their 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 (AVI), Mental Health Services (MHS), the Center for Integrated Wellness (CIW), Student Health Services (SHS), the Community Counseling Collaborative (CCC), and clergy.
- Report to a TCNJ Office for a College response. The Office formally designated to receive complaints is the Office of Title IX & Sexual Misconduct. This Office has the ability to hold community members accountable for their actions through both formal and informal resolution options, as well as provide additional Supportive Measures and resources for those impacted by sexual harassment and misconduct. Please recognize that this Office is not a confidential resource – rather it is a private resource, which means that information obtained by the Office will only be shared with those on a “need to know basis” for the purposes of implementing Supportive Measures and/or effectively conducting a resolution process. Outside of those purposes the information disclosed to the Office will remain confidential. Please note that in rare circumstances, the Office of Title IX & Sexual Misconduct may need to pursue a Formal Grievance Process into the alleged Prohibited Conduct, even if this goes against the victim’s wishes, in order to maintain the safety and non-discriminatory environment of the campus. In those circumstances, the obligation to investigate the matter is on the College, not the victim, and the victim can decide the extent to which they want to participate in the process, if at all (see below for further details).
- 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.

¹ The terms “victim”, “survivor”, “complainant”, “Reporter”, 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. 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 Formal Grievance Process for students and employees through the College.

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 harassment/misconduct. Therefore, in order to remove potential barriers to reporting sexual misconduct, the Office of Title IX & Sexual Misconduct will not charge a student with violating any Expectations of Student Conduct regarding alcohol or other drugs under the *Student Conduct Code* if that student reports such conduct in good faith within a complaint of possible Prohibited Conduct.

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

- Victims may obtain a sexual assault medical forensic examination (commonly known as a “rape kit”) 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 local hospitals including 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.
- Going to the hospital does not mean that you have to make a report to the police – you get to decide whether you'd like to make a statement to law enforcement.

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

- In all cases of possible Prohibited Conduct (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 9-1-1, or by visiting the office located in the Administrative Services Building, room 104. Like the Office of Title IX & Sexual Misconduct and the Office of Student Conduct & Off-Campus Services, Campus Police is a private (not confidential) resource; therefore, a report to Campus Police may require a criminal investigation, but Campus Police will not move forward without the expressed consent/participation of the victim. 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 Title IX & Sexual Misconduct Resolution Options:

Parties can report allegations of Prohibited Conduct by a TCNJ student or employee to the Office of Title IX & Sexual Misconduct through the [public Title IX & Sexual Misconduct reporting link](#) and may choose to meet with a Title IX & Sexual Misconduct staff member to review available resolution options and resources, the process to submit a Formal Complaint, and/or request Supportive Measures. Supportive Measures can be applied regardless of the Reporter's participation in a college or criminal process and may include but are not limited to; academic flexibility, housing accommodations, the implementation of a No Contact Directive, class modifications or withdrawal, etc. A Reporter may choose to meet with a confidential resource from AVI before determining whether to file a report or sign a Formal Complaint to initiate a College resolution process. As mentioned, the Office of Title IX & Sexual Misconduct, Office of Student Conduct & Off-Campus Services, and Campus Police Services are not confidential resources; therefore, any information provided to these entities may require that the College follow up with an investigation. Although complete confidentiality cannot be guaranteed, each of these Offices strive to treat

all parties with equal care, respect, and dignity and will to the best of their ability, preserve the privacy of all parties involved.

Under Title IX, schools are required to offer prompt and equitable grievance processes designed to resolve incidents of sexual harassment and misconduct. These may be initiated by the Reporter (or the College itself) as a way to hold the Respondent accountable and try to ensure the safety of the campus community. The College recognizes that there is not one universal resolution process that best meets the needs of our students & campus community. To adequately address reports of Prohibited Conduct, two different resolution options are offered by the College: a Formal Grievance process and the Alternative Resolution process.

The Formal Grievance process involves a full, formal investigation and hearing (if the Formal Complaint is not formally dismissed in its entirety). A Hearing Administrator will determine if the Respondent violated College [Policy](#) and if so, decide what sanctions/remedies are appropriate given the individual circumstances of the case, as well as associated aggravating and mitigating factors. The College strives to complete the Formal Grievance process within 90 business days of when the signed Formal Complaint is filed and will extend that timeframe only in instances of good cause. However, there may be some instances when the Title IX Coordinator will sign the Formal Complaint regardless of the requests of the reporting party, if necessary, to provide a safe and nondiscriminatory environment for all members of the campus community. If the reporting party chooses not to participate in the grievance process, the College's ability to respond to the complaint may be limited.

The Alternative Resolution Process is a voluntary process that is grounded in Restorative Justice and allows a Respondent to accept responsibility for their behavior and/or potential harm. By fully participating in this process the Respondent will not be charged with a violation of College [Policy](#). The Alternative Resolution Process is designed to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects in a manner that meets the needs of the Reporter and attempts to repair associated harm caused, while still maintaining the safety of the overall campus community.

Per the College's [Policy](#), each party may be accompanied to any meeting or hearing by an advisor of their choice. An advisor may be a friend, family member, or other individual of their choosing, which can, but is not required to be, an attorney. The role of the advisor is to support and provide advice about the resolution process and to conduct cross-examination on behalf of the party during the live hearing proceedings. If a party does not have an advisor of their choice present at a hearing, the College will provide the party with an advisor, without fee or charge to the party, for the sole and limited purpose of conducting cross-examination on behalf of that party. Should a party seek outside counsel, any cost associated with the participation of an advisor is the responsibility of the individual party.

The College may determine that interim measure(s) may also be necessary for the safety or security of members of the campus community or orderly administration of College operations. The Dean of Students in consultation with the Title IX Coordinator may determine that where an immediate threat to the health and/or safety of the campus community exists, an emergency removal may be applied for the accused student with or without a grievance process pending. No permanent changes will be made to the accused student's campus housing assignment or student status without the outcome of a grievance process. If the accused individual is an employee, the matter may be referred to the Title IX Coordinator and/or EEO Officer to determine appropriate steps. If the accused individual is neither an employee nor a student, the Title IX Coordinator and Campus Police may request that the accused individual be banned from the TCNJ campus community. Please note that retaliation for filing a report or Formal Complaint or participating in a resolution process is strictly prohibited by the College's [Sexual Harassment, Misconduct & Discrimination Policy](#) and will not be tolerated.



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.