



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

# 2020 - 2021 END OF YEAR REPORT





## TRAININGS & WORKSHOPS

### Student facing:

17

Presentations

251

Participants

8

Presentations

112

Participants

3,820

Completed online training

### Employee facing:

Title IX  
Personnel  
have  
attended

32  
different

trainings &  
webinars  
since  
5/11/2020

### Topics Covered:

- New Federal Regulations
- Know Your IX/Title IX 101
- Advisor Training
- Determining Relevancy
- Rationale Writing
- RE Training

## COLLABORATIONS

Engaged in collaboration with:

7

Recognized  
Student Organizations

5

Faculty who requested  
presentations in their  
academic courses

23

Student volunteers for  
the Title IX Student  
Advisory Committee

**Student  
Government**  
to create a  
handbook  
for the  
campus  
outlining the  
changes  
required  
under the  
new Title IX  
Final Rule



## SOCIAL MEDIA ENGAGEMENT

24%

Increase in our  
number of followers

## SUPPORTIVE MEASURES

46%

of Reporters chose  
to meet with our  
Office upon outreach

9

Reporters requested  
Supportive Measures

## USE OF RESOLUTION PROCESSES

Alternative  
Resolution Process

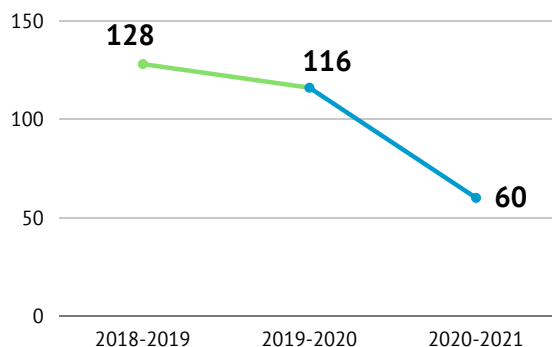
Formal  
Grievance Process



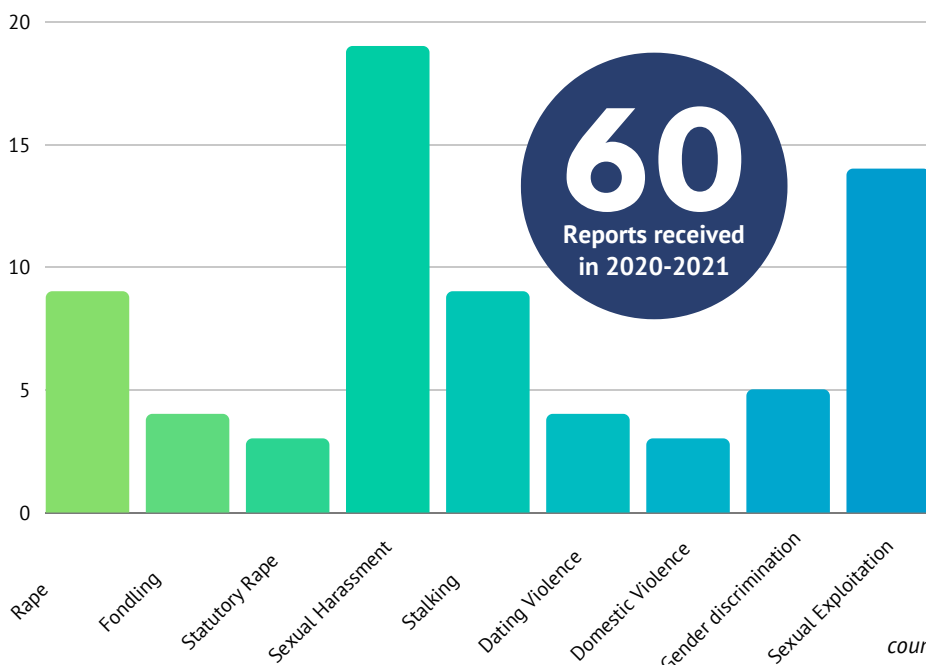
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3



## REPORTS RECEIVED



60  
Reports received  
in 2020-2021

\*\*The decline in reports can be attributed to students completing courses remotely since March 2020, due to the COVID-19 pandemic.\*\*

Dear Members of the TCNJ Campus Community & Board of Trustees,

As we welcome multiple cohorts of students for the first time due to the on-going COVID-19 pandemic, it's important for me to stress that the Office of Title IX & Sexual Misconduct is about more than just compliance. The Office of Title IX & Sexual Misconduct is committed to creating/maintaining an environment free from all forms of sexual violence, and providing fair & equitable support and processes in which all students, faculty, and staff can learn, work, thrive and succeed. Whether you have experienced or been accused of perpetrating harm, are a Responsible Employee, or are simply looking for information about our Office or how to support a friend, the Office of Title IX & Sexual Misconduct is here for you.

Our purpose is to provide the best possible care to our shared campus community, and part of that care is to offer data about the place to which our TCNJ lions live, learn, and work. We track reports to better understand how we can support members of our community and how to create a safe and inclusive campus. This data is specific to TCNJ and informs the way we work to meet the unique needs of our campus community.

Our annual report provides a snapshot of the past academic year, providing an overview of information about reports made to our Office, including details surrounding supportive measures offered and resolution processes used, ways to which we've connected with the campus through training efforts and social media engagement, and more.

Through partnerships across campus, we are creating a system of consistent and holistic support in which every member of our community has a vital role to play.

Our reflection on the past year guides us as we move ahead, and we want to hear from you. You can email us directly at [titleix@tcnj.edu](mailto:titleix@tcnj.edu), stop by the Office of Title IX & Sexual Misconduct (BSC 202), or submit a comment/idea through our virtual suggestion box located on our website.

Our doors are always open and we're happy to help however we can.

All the best,

A handwritten signature in cursive script that reads "Chelsea Jacoby".

Chelsea Jacoby, Ed.D.

Title IX Coordinator

Director of Title IX Compliance & Sexual Misconduct

# POLICY

In May 2020, the U.S. Department of Education's Office for Civil Rights issued a Final Rule under Title IX ("Title IX Final Rule") for colleges and universities that address sexual assault and other sex-based misconduct.

To comply with the requirements set forth in the Title IX Final Rule, the formerly known *Title IX Policy*, was revised by the Office of Title IX & Sexual Misconduct in the summer of 2020.

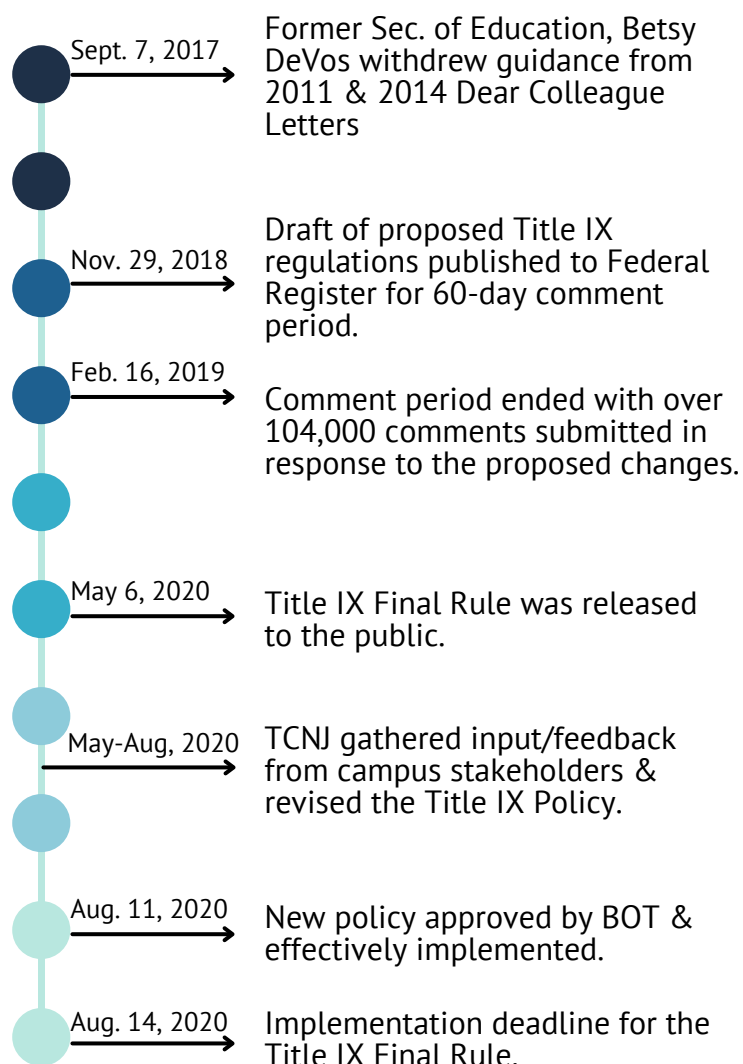
The new policy, rebranded as the *Sexual Harassment, Misconduct, & Discrimination Policy* (hereinafter referred to as "Policy"), set out to reflect the College's commitment to a safe and non-discriminatory educational environment and compliance with Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Act ("VAWA"), Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), and applicable New Jersey state laws.

The *Policy* applies to students, employees (including faculty and staff), Third Parties, and any individuals participating in—or attempting to participate in—the College's Education Program or Activities, or seeking admission or employment to the College. The *Policy* prohibits Sexual Harassment as defined in the Title IX Final Rule, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. The *Policy* also prohibits Sexual Harassment as defined in Title VII of the Civil Rights Act of 1964, and other forms of College Sexual Misconduct. Collectively, all forms of conduct included in the *Policy* and accompanying procedures are referred to as "Prohibited Conduct."

Given the College's dedication to addressing all forms of sex and gender-based harassment, misconduct, and discrimination, the College reserves the right to investigate and adjudicate all forms of Prohibited Conduct under the *Policy* even those not meeting the narrow definition of Sexual Harassment under the Title IX Final Rule (which is determined based on the nature, scope, and jurisdiction of the alleged conduct). This is further explained in Section II, A.: Scope & Jurisdiction of the *Policy*.

The *Policy* that can be accessed [HERE](#), received interim approval by TCNJ's Board of Trustees and went into effect on August 11, 2020.

## RELEVANT TIMELINE OF EVENTS

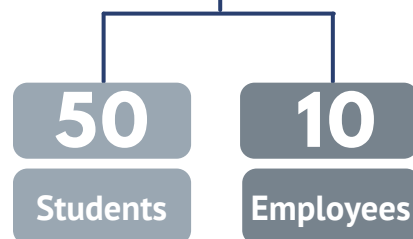
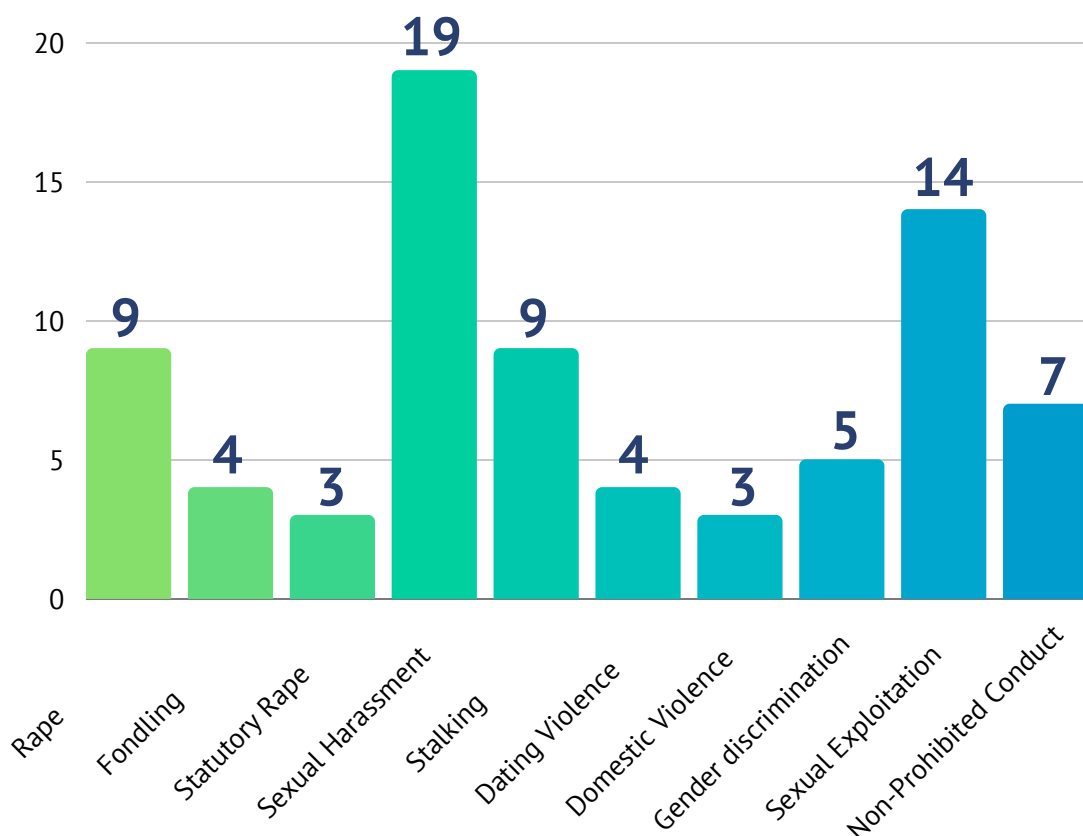




## REPORTING

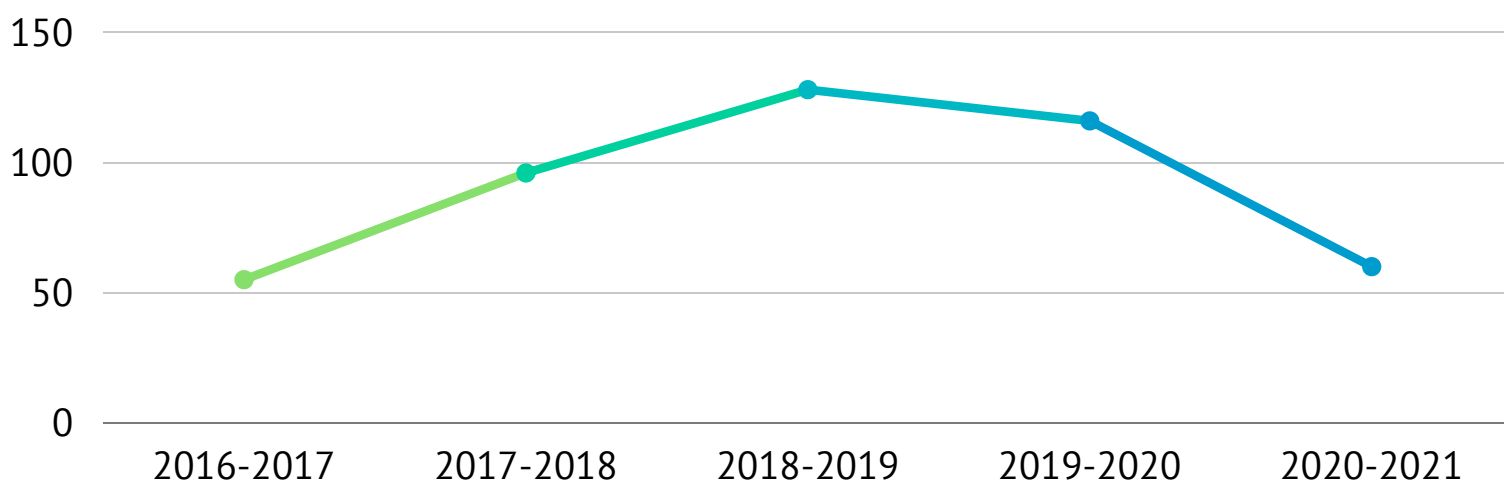
The Office of Title IX & Sexual Misconduct is publishing the data in this report to enhance transparency & inform the campus community about the instances of Prohibited Conduct that have been reported to our Office during the 2020-2021 academic year. The Office hopes the following points will help clarify the data:

- Definitions of Prohibited Conduct can be found starting on page 6 of the *Policy*. "Non-Prohibited Conduct" refers to conduct unrelated to the *Policy*, but was reported to the Office.
- The data reported is on a calendar-year basis.
- The data does not include reports made to confidential resources such as the Office of Anti-Violence Initiatives or Mental Health Services.
- To provide the most accurate portrayal of reporting, the data includes all cases in which one of the following applies:
  - The College knows the identity of the Respondent, and the Respondent is affiliated with TCNJ.
  - The identity of the Respondent is unknown to the Reporter;
  - The identity of the Respondent is unknown to the College; or
  - The Respondent is not affiliated with TCNJ.
- If an incident/report involved more than one type of misconduct (e.g. dating violence and stalking), they are all reflected in the data.





## REPORTING (CONT.)



There were 55 reports made to the Office of Title IX & Sexual Misconduct in 2016-2017, 96 reports in 2017-2018, 128 in 2018-2019, 116 in 2019-2020, and 60 in 2020-2021.

Prior to the COVID-19 pandemic, the number of reports received by the Office had consistently increased each year. Given that the campus had been learning & working remotely from March 2020 until August 2021, there were fewer individuals on campus, limited opportunities for interaction with others due to social distancing requirements, and fewer students residing in the Ewing community. TCNJ campus data & national research indicates that social gatherings with alcohol and/or drugs can lead to a greater number of incidents of sexual violence. We believe that the culmination of all of these factors impacted the reduced number of reports received and as such, the number of resolution processes pursued compared to previous years.

An additional factor that may have possibly impacted reporting rates for the most recent academic year is the changes related to Title IX that went into effect August 14, 2020. The Final Rule was heavily debated and had over 124,000 comments

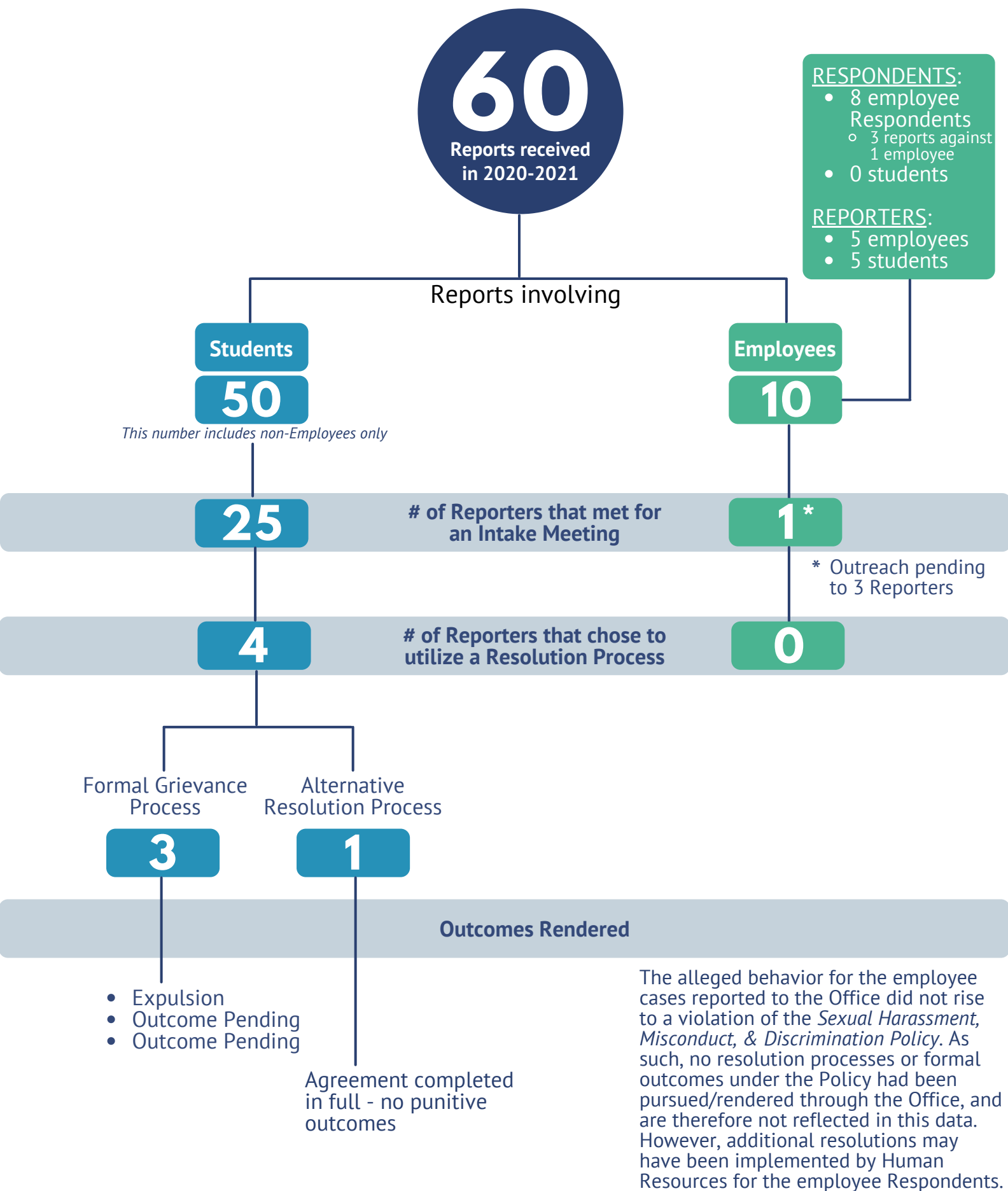
submitted to the Department of Education. One of the many concerns raised by campus officials, victim advocates, survivors, & current students/alum across the country was that the changes schools were required to make under Title IX would ultimately chill reporting, specifically related to the "live cross-examination" component. While we do not have a way to specifically measure the impact these changes may have had on reporting on our own campus, it is a potential influence that the Office is aware of. To mitigate possible chilling effects, the Office of Title IX & Sexual Misconduct has increased its efforts to raise awareness on campus around what processes/procedures look like in various ways, so that individuals can make informed decisions about what's best for them.

These educational/awareness efforts are more important for the 2021-2022 academic year than ever, as we predict the number of reports submitted to our Office to increase exponentially. We anticipate a large increase in reporting since the College will essentially be welcoming 2.5 cohorts of students to campus for the first time and data has shown that incoming students experience the highest rates of victimization, especially within the first six weeks of the fall semester.





## REPORTING (CONT.)





## REPORTING (CONT.)

# WHAT TO EXPECT WHEN REPORTING TO THE OFFICE OF TITLE IX & SEXUAL MISCONDUCT



### REPORT OF PROHIBITED CONDUCT SUBMITTED

A Title IX/Sexual Misconduct (Prohibited Conduct) report can be submitted either through our online reporting link, over the phone, via email, or in person.

Anyone is able to submit a report of Prohibited Conduct- they do not have to be a member of the campus community, nor do they have to be the person who may have experienced the harm.

There's no statute of limitations as to when someone can file a report.



### INITIAL ASSESSMENT

Once a report of Prohibited Conduct is submitted, the College reviews the information to determine whether it may constitute as a possible violation (form of Prohibited Conduct) of College Policy, and will respond to any immediate health or safety concerns raised by the report. If the information appears to rise to Prohibited Conduct, the Title IX & Sexual Misconduct staff will conduct outreach to the party who may have experienced harm.



### INITIAL OUTREACH

A member of the Title IX & Sexual Misconduct staff will conduct outreach to the person who allegedly experienced the harm (referred to as 'the Reporter') via a private letter sent in an email through our system. The letter contains information about their rights, available resources/supportive measures, as well as an invitation to meet with a member of the Office.



### INTAKE MEETING

Meeting with a Title IX & Sexual Misconduct staff member is encouraged, but is **completely voluntary**. The party can also have an Advisor/support person attend any meeting with them.

Purpose of the meeting = review the party's rights, available resources, supportive measures, resolution options, & option/process for filing a Formal Complaint. Party can share as little or as much information as they feel comfortable doing so during the meeting.

If the party isn't interested in meeting, **the Office can close the case & reopen it at any time should the party change their mind.**



### INTERIM & SUPPORTIVE MEASURES

Interim & supportive measures are those designed to mitigate the effects of the alleged Prohibited Conduct & prevent its recurrence.

Examples: Referrals to on/off-campus counseling services, requests for academic flexibility, housing accommodations, No Contact Directives, & more.

These do not expire and can be implemented & adapted at any time, even if the party doesn't want to initiate a resolution process.



### EXPLORE RESOLUTION OPTIONS

To hold a Respondent accountable for alleged Prohibited Conduct, the Reporter can pursue any of the following resolution options:

- A College Resolution Process \*
  - Formal Grievance Process
  - Alternative Resolution Process
- Criminal Process
- Both
- None of the above

Using/participating in a resolution process is **not** mandatory.

*\* Available only if the Respondent is associated with TCNJ, and was when the alleged incident occurred.*

The Office of Title IX & Sexual Misconduct will facilitate any/all resolution processes. However, the Office can implement any Supportive Measures as requested/appropriate regardless of the party's interest in pursuing a resolution process.

## SUPPORTIVE MEASURES

Supportive measures are individualized services, accommodations, and other assistance that the College offers to any students or employees and may be put in place without fee or charge. Supportive measures are designed to restore or preserve equal access to the College's Programs and Activities, protect the safety of all parties and the College's educational environment, and/or deter Prohibited Conduct, without being punitive or disciplinary in nature or unreasonably burdening the other party.

Supportive measures are available regardless of whether the matter is reported to the College for the purpose of initiating a resolution process under the *Policy* and before, after, and regardless of whether a Formal Complaint is filed. The College will also implement supportive measures for Respondents as requested and appropriate.

The offer and ability for supportive measures to be implemented (as appropriate) does not expire and their implementation can be adapted to fit the individualized needs of the person at any time.

### AVAILABLE RESOURCES:

Office of Anti-Violence Initiatives  
Mental Health Services  
Community Counseling Collaborative  
Center for Integrative Wellness  
AmIOk?  
Student Health Services  
TCNJ CARES  
Employee Assistance Program (EAP)

### Of the 60 reports the Office received...

46%

of Reporters chose to meet with our Office upon receiving initial outreach

9

Reporters requested supportive measures

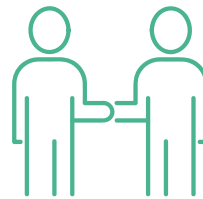
### EXAMPLES OF SUPPORTIVE MEASURES:



Academic Flexibility



Housing Accommodations



Referrals to Resources



No Contact Directives



Coordination of Criminal Reporting



Employment Accommodations

...and more!



# RESOLUTION PROCESSES

The College recognizes that there is not one universal resolution process that best meets the needs of our students/employees and overall campus community. To adequately address reports of Prohibited Conduct under the *Sexual Harassment, Misconduct, & Discrimination Policy*, including but not limited to, sexual assault, sexual harassment, interpersonal violence, and stalking, two different resolution processes are offered:

## Formal Grievance Process



3

## Alternative Resolution Process



1

*\*Can't be used in cases w/ Employee Respondent & Student Reporter.*

# of cases that utilized these resolution options in 2020- 2021

To determine the extent to which a violation of College policy occurred & if so, what punitive consequences would be appropriate to maintain the safety of the campus community.

### Objective

Voluntary process to allow the Respondent to accept responsibility for their behavior and/or potential Harm caused and engage in a process to repair the harm.

Involves a full, formal investigation and administrative hearing to determine appropriate outcome.

### Process

Respondent completes Alternative Resolution Agreement created by the Reporter, which consists of educational and restorative activities.

The implementation of punitive (status) & educational sanctions if found in violation of Prohibited Conduct, which are reflected on a disciplinary record.

### Outcomes

Non-punitive outcomes & participation is not reflected on a disciplinary record if Respondent completes the process in its entirety.

SEE A  
SAMPLE  
ALT. RES.  
AGREEMENT 

**Formal Complaints.** For the College to proceed with a resolution option, a Formal Complaint must first be signed. A Formal Complaint is a document (or electronic submission, such as by electronic mail or through an online portal provided for this purpose by the College) filed by a Reporter (containing their physical or digital signature, or otherwise indicates that the reporter is the person filing the Formal Complaint) or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College utilize a College resolution process to adjudicate or resolve the allegation(s) of Prohibited Conduct. Once a Formal Complaint is received, notice of allegations will be sent to both parties simultaneously.

# OVERVIEW OF THE FORMAL INVESTIGATIVE 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 PROCEDURE

## Step 1

### THE HEARING BEGINS

- All individuals present introduce themselves & the hearing administrator explains the hearing procedures & expectations

## Step 2

### CHARGES

- The hearing admin reads aloud the charge(s) and the Respondent answers "responsible" or "not responsible" to each charge.
- If the Respondent acknowledges responsibility for ALL charges - jump to Step 6, otherwise the hearing proceeds to parties sharing their narratives

## Step 3

### NARRATIVES

- The Reporter shares their narrative of events - the hearing admin & the Respondent's Advisor can question the Reporter.
- The Respondent shares their narrative of events - the hearing admin & the Reporter's Advisor can question the Respondent.

## Step 4

### FACT & EXPERT WITNESSES

- Each witness is invited in individually to share their narrative of events
- The hearing admin & both parties' respective Advisors have an opportunity to ask questions of each of the witnesses

## Step 5

### CLOSING STATEMENTS & DECISION

- The Reporter & Respondent each provide a closing statement.
- The hearing comes to a pause to allow the hearing admin to make a decision
- Once a decision is made, the hearing resumes where both parties will learn of the outcome

## Step 6

### READING OF IMPACT STATEMENT ★

- The Reporter may provide a statement relative to how the incident has impacted them
- This may be done verbally during the hearing and/or submitted in writing

## Step 7

### CHARACTER STATEMENTS ★

- The Respondent may provide a statement relative to their character
- Character witnesses (those without any connection to the conduct in question) are invited to speak to the Respondent's character/reputation
- The hearing admin & both parties' Advisors can question the witnesses

## Step 8

### SANCTION RECOMMENDATIONS ★

- The hearing admin opens a sealed envelope containing the Respondent's disciplinary history & associated sanction range for the case. The designated sanction range for the violation(s) is read aloud.
- The Reporter & Respondent can offer recommendations for sanctioning

## Step 9

### CONCLUSION OF THE HEARING

- The hearing admin will ensure that any final procedural questions are answered
- The hearing concludes

## Step 10

### FOLLOWING THE HEARING

- The hearing admin will provide both parties with a written rationale (for the decision and sanctioning, if applicable) via email
- Both parties have the opportunity to submit a written appeal within 5-business days of receiving the decision letter

## TRAINING (STUDENT FACING)

TCNJ is committed to preventing sexual assault and other forms of sexual violence and has been noted as an institution at the forefront of prevention and utilizing strategies cited as best practice. However, despite our commitment to student safety, these incidents have occurred here, just as they have in every other academic community across the nation. Our students play a vital role in preventing sexual violence at TCNJ for themselves, their friends and classmates, and the TCNJ community, as a whole. As such, our Office strives to offer awareness campaigns and prevention programs that seek to promote positive & healthy behaviors, foster healthy, mutually respectful relationships, encourage safe bystander intervention, and seek to ensure all members of the campus community know what rights & resources are available to them for incidents involving sexual harassment/misconduct.

### REQUIRED ONLINE PROGRAMMING

3,820

Students completed their assigned online training



#### EVERY CHOICE

Every Choice is an interactive, reality-based online program aimed at reducing campus sexual assault, dating and domestic violence, and stalking by equipping students with realistic, actionable techniques. Focused on bystander intervention and created in partnership with Green Dot, etc, Every Choice features numerous student testimonials that foster viewer empathy to help prevent interpersonal violence. All incoming freshmen, transfers, and graduate students were required to complete this program.

#### CLARIFYING CONSENT

Juniors were required to complete a 25-minute online refresher program that explores in-depth the concept of consent and its key role in a healthy relationship. The course explores what consent is and why it's so important; how consent is asked for/given/withheld/ withdrawn; how consent is handled in healthy vs unhealthy relationships, and much more. Testimonials about consent from real students convey the key importance of the topic

### REQUESTED WORKSHOPS/PRESENTATIONS

17

Presentations

251

Participants

The Office of Title IX & Sexual Misconduct is a regular presenter at events hosted by the Office for Student Involvement, such as the Student Organization Summit and Risk Management Competition. Additionally, we receive requests directly from individual recognized student organizations, including those in fraternity & sorority life, to host individualized workshops for members in their organizations. Our Office can offer workshops/presentations on a wide array of topics relating to sexual harassment/misconduct, and are willing to customize the material to meet the organization's needs, but the most commonly requested topics our Office has been asked to present about are below.

#### Top Requested Programs:

- New Federal Regulations
- "Know Your IX": Title IX 101
- Let's Talk About Consent



## TRAINING (EMPLOYEE FACING)

8

Presentations

112

Participants

### Topics Covered:

- New Federal Regulations
- Determining Relevancy
- Advisor Training
- Responsible Employee Training
- Rationale Writing
- Investigator & Decision-Maker Training

### RESPONSIBLE EMPLOYEE TRAINING

All campus community members are strongly encouraged to report information regarding allegations of sexual harassment and misconduct including sexual assault, dating/domestic violence, stalking, or other forms of Prohibited Conduct to the Office of Title IX & Sexual Misconduct. However, some individuals on campus have an obligation to report, which include Responsible Employees (REs) and Officials with Authority (OWAs).

REs and OWAs are required to complete training through the Office of Title IX & Sexual Misconduct every two years, which covers how to:

- fulfill reporting obligations around Title IX & sexual misconduct
- prevent & identify behavior & other warning signs of prohibited conduct
- navigate disclosures of sexual violence in a trauma informed way
- review available reporting options & resources under the Policy

Training can be completed online or in-person. More information about REs & OWAs can be found [HERE](#).

### TRAINING FOR TITLE IX PERSONNEL

Individuals who fill certain roles in the Title IX Grievance Procedures must receive training to ensure awareness of their compliance obligations and in order to best provide equitable treatment to Reporters and Respondents and be compliant with the Grievance Procedures required by Title IX. These individuals are the Title IX Coordinator, Deputy Coordinators, Investigators, Decision Makers (including appellate decision makers), and any person facilitating an Alternative Resolution Process. Training subjects must include: the definition of Sexual Harassment as proscribed by the Title IX regulations; the scope of the College's education program or activity; how to conduct an Investigation and Grievance Process including Hearings, Appeals, and informal resolution processes, as applicable. They will also be required to receive training on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Additionally, the Decision Maker(s) must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Reporter's sexual predisposition or prior sexual behavior are not relevant. Investigators must also receive the appropriate training needed to create an investigative report that fairly summarizes relevant evidence.

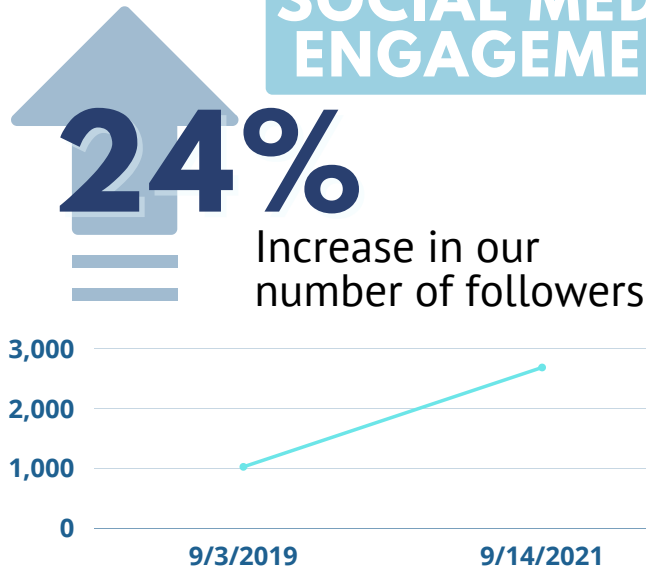
Title IX  
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32  
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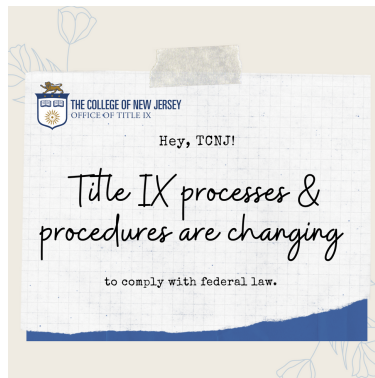
trainings &  
webinars  
since  
5/11/2020

# NOTEWORTHY ENGAGEMENTS

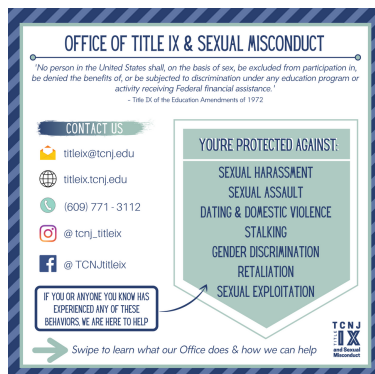
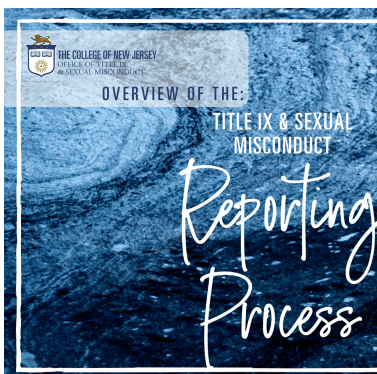
## SOCIAL MEDIA ENGAGEMENT



One of the greatest sources of engagement we have with the campus is through social media, especially over the past few years. Establishing an online presence was even more critical when the College was operating remotely, as a result of COVID-19. A few sample Instagram posts can be found below and through the app (@tcnj\_titleix).



CLICK  
**HERE**  
TO  
ACCESS



## COLLABORATIONS

Over the 2020-2021 academic year, the staff within the Office of Title IX & Sexual Misconduct collaborated with:

- 7** Recognized Student Organizations
- 5** Faculty who requested presentations in their academic courses
- 23** Student volunteers from the Title IX Student Advisory Committee

Further, the staff and some students from the Title IX Student Advisory Committee collaborated with members from TCNJ Student Government to create a student facing handbook for the campus outlining the changes required under the new Title IX Final Rule.





## NOTEWORTHY ENGAGEMENTS (CONT.)

### GRANT RECIPIENT

Through collaborative efforts, the Office of Title IX & Sexual and the Office of Anti-Violence Initiatives were the joint recipient of substantial grant funding through New Jersey's Victims of Crime Act for two consecutive grant periods:

2019 - 2021	2021 - 2023
<b>\$200,000</b>	<b>\$275,000</b>

With these funds, our areas were able to **INCREASE:**

- Resource dissemination across campus
  - Created Welcome Bags full of resources for over 1,200 on-campus residents in January 2021 and over 2,400 residents in August 2021.
- Training & Technical assistance for staff
  - Trauma-Informed Practices
  - EMDR training
  - Jerry Lewis Statement Analysis Training
  - Consulting services through Cozen O'Connor to revise our Title IX Policy to comply with the new regulations
- Support for awareness campaigns surrounding the prevention of sexual violence
- and more!

### RECOGNIZED EXPERTS

The staff within the Office of Title IX & Sexual Misconduct have become recognized as experts in matters relating to Title IX, informal resolution/restorative justice, & creating targeted educational opportunities for Respondents. Specifically, the Office has received outreach from **over 45** different colleges/universities for guidance on how to implement similar informal resolution processes & Respondent education on their own campuses. Among other achievements, TCNJ's Title IX



Coordinator has received recognition for her involvement in:

- Presenting at conferences/events, including:
  - NASPA Annual Conference
  - Campus Sexual Misconduct: Preventing and Responding to Perpetration Conference
  - NASPA's Culture of Consent Roundtable
  - University of Vermont's Legal Issues in Higher Education Conference (2x)
  - Gehring Student Conduct Academy Mini-track Facilitator
- Serving as co-chair for NJ's Title IX Coordinators Taskforce

## ON OUR RADAR

In addition to reflecting on the previous academic year, the Office of Title IX & Sexual Misconduct is also keeping an eye on the horizon for what changes and possible impacts to our Office, our services, and the College's legal obligations/liability may lie ahead. Some examples of anticipated changes or items that are on our radar include, but are not limited to:

- Recent & anticipated changes to the current Title IX Final Rule --
  - August 24, 2021 – The Office for Civil Rights (OCR) issued a Letter to Students, Educators and Stakeholders in response to the decision rendered in the *Victim Rights Law Center et al. vs. Cardona* case by a Massachusetts court.
    - In accordance with the court's order, the Department will immediately cease enforcement of the part of § 106.45(b)(6)(i) regarding the prohibition against statements not subject to cross-examination. Postsecondary institutions are no longer subject to this portion of the provision.
    - In practical terms, a decision-maker at a postsecondary institution may now consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.
    - The Office of Title IX & Sexual Misconduct has revised the Interim Sexual Harassment, Misconduct, & Discrimination Policy to reflect the department's diminished enforcement of the clause.
  - The expectation of DOE to thoroughly review Title IX was emphasized in the letter to students, educators, and stakeholders following the Cardona decision. Signs that largescale changes to Title IX under the Biden administration may be coming include:
    - March 8, 2021 -- the Biden Administration issued Executive Order 14021 – Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity.
      - EO 14021 directed the Department of Education (DOE) to “review all of its existing regulations, orders, guidance, and policies to ensure consistency with the Biden-Harris Administration’s policy that students be guaranteed education free from sexual violence,” including, “the Title IX regulation issued under the previous administration and agency action taken pursuant to that regulation.”
    - June 7-11, 2021 - OCR held live hearings to collect feedback from the general public regarding the Title IX Final Rule to see what has and has not proven to be effective in responding and resolving incidents of sexual harassment/violence.
- The recent passing of a new NJ State Law, which requires, “*An institution of higher education shall conduct a campus climate survey every three years and submit the de-identified survey data to the Office of the Secretary of Higher Education.*” More information is expected to come from NJ's Office of the Secretary of Higher Education (OSHE) and related taskforces surrounding technical assistance and support to meet these new legal requirements.