

Policy on Gender-Based and Sexual Misconduct (50.4/70.2.4)

**Including Discrimination, Sexual Violence, Sexual Harassment,
Relationship Violence, Stalking, and other forms of Gender-Based or Sexual Misconduct**

Approval Authority: Administrative Council
Responsible Executive: Vice President for Enrollment Management and Student Affairs
Responsible Offices: The Division of Enrollment Management and Student Affairs and the Division of Human Resources
Effective Date: Originally Effective November 19, 2013; Revised October 20, 2015; Revised January 19, 2016; Revised August 3, 2017

I. GENERAL POLICY STATEMENT:

Stevens Institute of Technology (“Stevens” or the “University”) is committed to equality of opportunity and creating a campus climate that supports, nurtures, and rewards educational and career advancement on the basis of ability and performance. Accordingly, it is the policy of the University not to discriminate on the basis of sex, gender identity or expression, or affectional or sexual orientation. Stevens is further committed to maintaining a safe and nondiscriminatory learning environment that is free of gender-based and sexual misconduct, including sexual violence, sexual harassment, relationship violence, and stalking.¹ This Policy has been drafted to comply with the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §§ 1681 et seq. and its implementing regulations, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in educational programs or activities receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence. This Policy has also been drafted to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA).

This Policy protects and applies to all students, faculty and staff at Stevens, as well as third-parties. It applies to conduct occurring on Stevens’ property or in the context of an off-campus University-sanctioned program or activity, including study abroad, internship programs and cooperative educational programs. This Policy also applies to other off-campus conduct that has continuing effects on campus or in off-campus University-sanctioned education programs or activities and implicates Stevens’ obligations under Title IX.

All members of the Stevens community² are responsible for compliance with this Policy and are encouraged to immediately report misconduct covered by this Policy to the Title IX Coordinator or Deputy Title IX Coordinator whether it takes place on- or off-campus. In addition, all faculty members and all staff members listed at Section V.B. of this Policy are **required** to immediately report allegations of misconduct to the Title IX Coordinator or Deputy Title IX Coordinator, regardless of whether the Complainant³ intends to make a report.

The University will seek to maintain the privacy of all persons involved with reporting, investigating and resolving complaints under this Policy. Confidential assistance may be obtained only by speaking with professionals who are mandated by law to protect confidentiality. On campus, these professionals include the counselors at Student Counseling and Disability Services and any physician employed by the University (in the context of a doctor-patient

¹ Discrimination, sexual violence, sexual harassment, sexual exploitation, stalking, and relationship violence are specifically defined within this Policy. In general, sexual misconduct is a broad term that refers to all of the prohibited behaviors under this Policy.

² For the purposes of this Policy, the “Stevens community” or “campus community” is a broad term that refers to all employees, students, visitors, volunteers, contractors and others who spend time on campus or who participate in University-sanctioned programs and activities off-campus.

³ For the purposes of this Policy, “Complainant” refers to the individual who has been the subject of misconduct whether or not this person has made a report. “Respondent” refers to the individual(s) who has been accused of the misconduct. Complainant and Respondent may be referred to individually as a “party” and collectively as “parties.”

relationship). Information shared with these confidential resources will not be shared with the University without consent of the patient/client, unless there are special circumstances such as an imminent risk of harm to self or others or suspected abuse of a minor under the age of 18. Additional information regarding confidentiality and privacy is provided in Section III of this Policy.

A Complainant has the option to report or decline to report incidents of misconduct to local law enforcement authorities and the University will assist Complainants in contacting law enforcement if requested. The University has an independent duty to conduct a prompt and equitable review of an allegation of misconduct, notwithstanding the existence of any pending criminal investigation.

Retaliation against anyone involved in making a report, participating in the report or investigation process, or otherwise providing information regarding allegations of misconduct is prohibited by this Policy and will not be tolerated. Any retaliation occurring at any time during or after the complaint process should be reported and will be investigated by the University under the same processes and standards outlined in this Policy. Anyone found to have engaged in retaliation shall be subject to discipline, including potential dismissal from University employment or matriculation.

The University has established a "Title IX Coordinator" role with centralized oversight responsibility for Title IX matters at Stevens, including the coordination of the University's response to reports. Dr. Kristie Damell is the Title IX Coordinator and has ultimate responsibility for Title IX matters generally and primary responsibility for overseeing complaints and reports relating to Stevens' students. Maria Ouckama is the Deputy Title IX Coordinator and will be the primary person responsible for overseeing complaints and reports relating to employees. Dr. Damell and Ms. Ouckama are also responsible for the coordination of educational programs for students, faculty, and staff to promote awareness and prevention of gender-based and sexual misconduct.

Dr. Kristie Damell

Associate Dean of Students and Title IX Coordinator
Howe Center, 10th Floor
Phone: 201-216-5679
E-mail: Kristie.Damell@stevens.edu

Maria Ouckama

Senior Director, Human Resources and Deputy Title IX Coordinator
Howe Center, 5th Floor
Phone: 201-216-5122
E-mail: Maria.Ouckama@stevens.edu

This Policy supersedes all other student and employee policies with respect to discrimination on the basis of sex, gender identity or expression, affectional or sexual orientation; sexual violence; sexual harassment; relationship violence; stalking; and other forms of gender-based or sexual misconduct. In the event that a set of facts involves an allegation of misconduct covered by this Policy and conduct covered by other University policies, the entire matter will be reviewed under this Policy in a manner that does not delay the investigation and resolution.

While this Policy is tailored to gender-based and sexual misconduct, Stevens also maintains policies prohibiting discrimination and harassment on the basis of other legally-protected characteristics including, without limitation, the Discrimination and Harassment Policy which is available on Stevens' website at: http://www.stevens.edu/provost/sites/default/files/Discrimination_and_Harassment_Policy_9mar2010p.pdf

This Policy will apply to any report received by the University after the effective date of this Policy, regardless of when the misconduct is alleged to have occurred.

II. DEFINITIONS:

This Policy prohibits a broad range of behaviors, all of which may be classified as misconduct. Gender-based and sexual misconduct can be committed by individuals of any sex, and can occur between individuals of the same sex

or different sexes. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

In determining whether the alleged conduct constitutes misconduct under this Policy, consideration will be given to the totality of circumstances involved in the incident, including the nature of the conduct and the context in which the alleged incident occurred. Misconduct which violates this Policy includes the behaviors described below:

- A. Discrimination:** The treatment of members of a certain sex or other protected group more or less favorably on the basis of their sex or other protected characteristic or the establishment of an institutional policy or practice that has a disparate impact on members of a certain sex or protected group.
- B. Sexual Violence:** Sexual contact against the will or without the consent of the other person. This includes sexual contact by the use or threat of force or coercion, without effective consent, or where the other individual is incapacitated. A number of acts fall into the category of sexual violence, including acts that are forcible or non-forcible and including penetrative acts as well as sexual touching or disrobing not involving penetration.
- C. Sexual Harassment:** Unwelcome conduct of a sexual nature or on the basis of sex, including unwelcome sexual advances, requests for sexual favors, acts of sexual violence, or other verbal, non-verbal or physical conduct, when one of the following conditions is present:
 - Submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, instruction, evaluation of academic work, or participation in any University academic program, activity or benefit;
 - Submission to or rejection of the conduct by an individual is used as a basis for evaluation in making academic or personnel decisions or decisions regarding participation in a University activity; or
 - The conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or denies an individual's participation in or benefit from any educational experience, working conditions or campus living conditions by creating an intimidating, hostile or offensive environment when viewed from a subjective and an objective perspective.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. For example, a single instance of sexual violence may be sufficiently severe to constitute sexual harassment. Additionally, conduct does not have to be directed at a particular person to constitute harassment.

Examples of sexual harassment, if sufficiently severe, persistent or pervasive, include, but are not limited to:

- Pressure for sexual activity, sexual favors or a romantic or intimate relationship;
 - Unwelcome touching of a person's body, hair or clothing;
 - Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group based on gender or sex;
 - Unwelcome jokes, comments or questions about gender or sex (including favorable comments about someone's gender, body, clothing, appearance);
 - Asking about a person's sexual activities or interests;
 - Repeatedly asking for a date or making other romantic or sexual advances after the person has said "no";
 - Nonverbal behavior, such as making sexual gestures with hands or through body movements;
 - Displaying sexually discriminatory or explicit posters or pictures; and
 - Electronic and other forms of communications including e-mail, text messaging and internet use, that violate this Policy.
- D. Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or

any other non-legitimate purpose. An act of sexual exploitation is prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual streaming or distribution of images, photography, video, or an audio recording of sexual activity or nudity without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

E. Physical Violence: A purposeful action intended to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of relationship violence or when the behavior is perpetrated on the basis of sex, gender, or sexual orientation, the conduct will be resolved under this Policy.

F. Stalking: Engaging in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for her, his, or others' safety or to suffer substantial emotional distress. Stalking may include physical conduct, traditional forms of communication such as letter-writing and phone calls, and may also include cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. All allegations of stalking are covered by this Policy regardless of whether the stalking is sexual or gender-based.

G. Relationship Violence: Relationship violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. Any of the other types of prohibited conduct described in this Policy may also constitute relationship violence. Domestic violence and dating violence are forms of relationship violence and are defined below:

1. **Domestic Violence:** An act of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common or expects to share a child in common if one of the parties is pregnant, by a person who is a present or former household member of the victim, by a person similarly-situated to a victim under state domestic violence laws, or by any other person against a victim who is protected from that person's acts under the state domestic violence laws.
2. **Dating Violence:** Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (Dating violence qualifies as "Domestic Violence" under New Jersey law.)

H. Retaliation: Any adverse action, including acts or attempts to retaliate or seek retribution against a Complainant, Respondent, or any individual or group of individuals involved in a good faith report, a complaint, investigation and/or resolution of an allegation of misconduct under this Policy. Retaliation can be committed by any individual or group of individuals (not just a Respondent or Complainant). Retaliation may take many forms including, without limitation, threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others that would discourage a reasonable person from engaging in activity protected under this Policy.

I. Related Definitions

1. **Consent:** The voluntary, uncoerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly chooses to participate. Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when coercion is present; or when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation or where the person is incapable of giving consent due to age, intellectual limitations, or other disability. Important points regarding consent include:
 - Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
 - Consent is not implicit in a person's manner of dress.
 - Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
 - Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Either party may withdraw or modify consent at any time. Withdrawal of consent must be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
 - Consent to one act does not constitute consent to another act.
 - Consent to an act with one person does not constitute consent to an act with any other person.
 - Consent on a prior occasion does not constitute consent on a subsequent occasion.
 - The existence of a prior or current relationship does not, in itself, constitute consent.
 - An individual who is incapacitated is unable to give consent to sexual activity.
 - In the State of New Jersey, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13, and can only be given by a minor under the age of 16 if the other party is less than four years older than the minor.
2. **Incapacitation:** Incapacitation is the state in which a person's perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. It is the inability (temporarily or permanently) to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes sexual violence. In evaluating sexual violence allegations, an investigator will consider whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

The use of drugs or alcohol (voluntarily or involuntarily) can cause incapacitation, however, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and other drugs varies from person to person; warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, and capacity to appreciate the nature and the quality of the act.

In general, sexual contact while under the influence of alcohol or other drugs is risky behavior. It is especially important that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being

intoxicated or impaired by drugs or alcohol is never an excuse for misconduct and does not diminish one's responsibility to obtain informed and freely given consent.

3. **Force:** Force is the use or threat of physical violence or intimidation to overcome a person's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of the absence of consent.
 4. **Coercion:** Coercion is the improper use of pressure to compel another person to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Examples of coercion include threatening to disclose personal information such as one's sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.
- J. Other Forms of Misconduct:** Other forms of gender-based or sexual misconduct are also covered by this Policy. Examples of such misconduct may include, but are not limited to, actions that are degrading and/or abusive. In addition, this Policy prohibits misconduct of this nature that constitutes a crime or is otherwise unlawful under New Jersey law. See Section V.E.2 below.
- K. Electronic Communications and Social Media:** Electronic communications and social media may be conduits for misconduct covered by this Policy. Discrimination, harassment, threats of violence, or stalking occurring over electronic communications and social media are prohibited by this Policy whether or not they utilize Stevens' electronic equipment, servers, or e-mail resources.
- L. Relationships between Stevens' Students and Stevens' Employees:** The University has a Non-Fraternization Policy, which **prohibits** amorous or sexual relationships between Stevens' employees and any student under their supervision (graduate or undergraduate), as well as any amorous or sexual relationship between an employee and an undergraduate student, regardless of whether a supervisory relationship exists. Stevens also strongly discourages employees from engaging in amorous or sexual relationships with graduate students even where there is no supervisory relationship. This policy is available at http://www.stevens.edu/provost/sites/default/files/NonFraternization_Policy_6feb2012p.pdf.
- M. Bystander Intervention:** A "bystander" is anyone who observes conduct that is a violation of this Policy. The University encourages bystanders to step in and offer assistance where they feel that it is safe for them to do so. Some effective options for bystander intervention may include: (1) indirect or direct intervention when safe to do so, (2) enlisting the assistance of friends, (3) contacting law enforcement, and/or (4) seeking assistance from a person in authority. Other effective options might include: (1) dissuading a person from getting in a car or going off alone with someone who is belligerent or too forward in their physical contact (especially if either person is intoxicated or otherwise impaired), (2) removing a person from a risky situation by inviting them to another location, and (3) remaining with a person until the potential aggressor has left or the person is in a safe place. As discussed in Section V.A.2 below, concern about potential rules violations should not deter reporting by bystanders or others.

III. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY:

The University is committed to protecting the privacy of all individuals involved in a report of misconduct under this Policy consistent with the need for a thorough review by the University of the allegation. All employees who are involved in the University's Title IX response, including investigators and adjudicators, receive specific training and guidance about safeguarding private information. Privacy and confidentiality have distinct meanings under this Policy.

Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those individuals who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by

confidentiality, these individuals will be instructed by the University to be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the permission of the individual. Those campus and community professionals who are able to preserve the confidentiality of communications include physicians, mental health providers, ordained clergy, and rape crisis counselors. These individuals will not breach confidentiality unless special circumstances exist such as an imminent risk of harm to the individual or others or suspected abuse of a minor under the age of 18 or as otherwise permitted or required by law.

Individuals who wish to seek confidential assistance may do so by speaking with professionals who are mandated by law to protect the confidentiality of a disclosure. On campus, these professionals include the counselors at Student Counseling and Disability Services or any physician at the Student Health Center or employed by the University (in the context of a doctor-patient relationship). Please see Sections IV.B and C below for additional information regarding confidential resources. University employees who are not designated as confidential resources under this Policy are required to promptly share a report of misconduct covered by this Policy with the Title IX Coordinator or Deputy Title IX Coordinator, as described in Section V.B.

Where a Complainant makes a report to a Stevens' employee who is not designated as a confidential resource under this Policy, but requests that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance this request with its obligations to provide a safe and non-discriminatory environment for all Stevens' community members and to provide fair and impartial process that includes notice and an opportunity to respond before action is taken against a Respondent. The Title IX Coordinator is responsible for evaluating requests for confidentiality. In making this determination, the Title IX Coordinator will consider, among other factors, whether the Complainant has requested anonymity, whether the Complainant wants to participate in an investigation, the severity and impact of the alleged misconduct, whether the misconduct was committed with a weapon, the respective ages of the parties, whether the Complainant is a minor under the age of 18, whether the Respondent has admitted to the misconduct, whether the Respondent has a history of committing such misconduct, whether there have been other complaints about the same Respondent, whether the Respondent is alleged to have threatened further misconduct, whether the misconduct was committed by multiple perpetrators, whether the report reveals a pattern of misconduct (e.g., at a given location or by a particular group), the existence of independent evidence, and the extent of prior remedial methods taken with the Respondent.

The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for anonymity or request not to pursue an investigation or disciplinary action, but its ability to do so may be limited based on the nature of the request by the Complainant. The University will seek to address any barriers to proceeding, including retaliation, and will inform the Complainant that Title IX prohibits retaliation and the University will take strong responsive action to protect the Complainant. Where the University is unable to take action consistent with a request of the Complainant, the University's chosen course of action will be communicated to the Complainant.

If a report of misconduct discloses a serious or continuing threat to the campus community, the University will issue a timely notification to the community to protect the health and safety of the community as required by the Clery Act. The timely notification will not include any personally identifying information about the Complainant. The University may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act ("FERPA"), the Clery Act (as amended by VAWA), Title IX, state and local law, and University policy.

IV. RESOURCES:

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by behaviors prohibited by this Policy, whether as a Complainant, a Respondent or a third party, will have access to support and counseling services through the University. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources, including confidential resources. These professionals can provide information about available resources and procedural options and assistance to either party in addressing a matter covered by this Policy.

A. Emergency Response:

1. Stevens Campus Police have resources available to help students and employees. Campus Police are located at the Gate House located at the south entrance to campus across from the Babbio Center. The emergency number is 201-216-3911.
2. The Hoboken Police Department is located at 106 Hudson Street in Hoboken and can be reached by dialing 911 in an emergency.

B. Student Health and Emotional Well-Being (Confidential Resources):

1. *Student Health Center:* Stevens has an on-campus Student Health Center located on the 1st Floor of Jacobus Hall. The Student Health Center also facilitates connecting students with off-campus medical providers. Additional information about such medical services is available on the Health Center webpage: <http://www.stevens.edu/sit/health> (Physicians are a confidential resource when acting within a physician-patient relationship.)
2. *Student Counseling Services:* Stevens has an office of Student Counseling and Disability Services, located on the 7th floor of the Howe Center, which provides on-campus personal counseling services to students. This office also facilitates connecting students with off-campus therapists. Additional information about counseling services is available on the following webpage: <http://www.stevens.edu/sit/counseling>. (Counselors are a confidential resource when acting within a counselor-client relationship.)
3. The *Hoboken University Medical Center* is located at 308 Willow Avenue in Hoboken and can provide urgent medical services. (Physicians are a confidential resource when acting within a physician-patient relationship.)
4. *External Abuse Resources and Hotline Services:* The Student Health Center and Student Counseling and Disability Services webpages provide links to various confidential abuse resources and hotline services, including the Hudson County Rape Crisis Center Hotline, the Hudson County Sex Crime Unit and domestic violence hotlines. See also additional resources listed on www.stevens.edu/titleix

C. Employee Health and Emotional Well-Being (Confidential Resources):

1. The *Hoboken University Medical Center* is located at 308 Willow Avenue in Hoboken and can provide urgent medical services. (Physicians are a confidential resource when acting within a physician-patient relationship.)
2. *Employee Assistance Program ("EAP"):* CIGNA's "Life Assistance Program" is available to Stevens' employees and consists of a variety of counseling and support services, as well as other resources and referral services. All services are available 24 hours a day, 365 days per year. The Program may be reached at 1-800-538-3543 or via the web at www.cignabehavioral.com/cgi. (The EAP is a confidential resource.)

- D. Title IX Coordinator:** In addition to the confidential resources listed above, the University's Title IX Coordinator and Deputy Title IX Coordinator are trained to support individuals affected by gender-based or sexual misconduct. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process. Dr. Kristie Damell is the Title IX Coordinator and has ultimate responsibility for Title IX matters generally and primary responsibility for overseeing complaints and reports relating to Stevens' students. Maria Ouckama is the Deputy Title IX Coordinator and will be the primary person responsible for overseeing complaints and reports relating to employees. Dr. Damell and Ms. Ouckama are also responsible for the coordination of educational programs for students, faculty, and staff to promote awareness and prevention of gender-based and sexual misconduct. If you are unsure which person to contact based upon the facts involved in a particular situation or if you have general inquiries about the application of Title IX, please feel free to contact either Dr. Damell or Ms. Ouckama to discuss the situation.

Dr. Kristie Damell

Associate Dean of Students and Title IX Coordinator
Howe Center, 10th Floor
Phone: 201-216-5679
E-mail: Kristie.Damell@stevens.edu

Maria Ouckama

Senior Director, Human Resources and Deputy Title IX Coordinator
Howe Center, 5th Floor
Phone: 201-216-5122
E-mail: Maria.Ouckama@stevens.edu

- E. Assistance With Administrative and Legal Concerns:** Where a student has questions about how changes to enrollment status may impact financial aid, immigration status, or other administrative matters, the Title IX Coordinator can connect the student to the appropriate resources on campus. For example, an affected student may wish to take a reduced course load or a leave of absence. Stevens has staff members who can explain, for example, how financial aid and loan repayment terms or immigration authorizations may be affected. Concerns about such issues should not be a barrier to reporting misconduct or seeking needed accommodations. The Title IX Coordinator can provide referrals to victim advocacy or legal assistance options in the community.

V. REPORTING AND RELATED CONSIDERATIONS:

A. Reporting Considerations:

1. *Timeliness of Report:* Complainants and others are encouraged to report misconduct covered by this Policy as soon as possible in order to maximize the University's ability to respond effectively. The University does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, the University will still seek to meet its Title IX obligation by providing reasonably available remedial measures, assisting the Complainant in identifying external reporting options, and taking steps to address any ongoing effects of the conduct.
2. *Rules Violations Should Not Deter Reporting:* Stevens' primary concern is safety. Complainants and bystanders should report incidents covered by this Policy regardless of whether rules violations may have been involved. Use of alcohol or drugs never makes a Complainant at fault for sexual violence and should not deter reporting by Complainants, bystanders, or other knowledgeable parties. To encourage reporting, an individual who reports misconduct or participates in the resolution of a report under this Policy, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University

may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or drug use.

3. *Statement Against Retaliation:* Retaliation is a violation of University policy. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Respondent or third party may also be the subject of retaliation by another individual, including the Complainant. Retaliation against anyone involved in filing a good faith report, participating in the report or investigation process, or otherwise providing information regarding allegations of misconduct is prohibited by this Policy and will not be tolerated. Any retaliation occurring at any time during or after the complaint process should be reported and will be investigated by the University under the same processes and standards outlined in this Policy. Anyone found to have engaged in retaliation shall be subject to discipline, including potential dismissal from University employment or expulsion.
 4. *Obligation to Provide Truthful Information:* All Stevens community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an allegation of misconduct is prohibited and subject to disciplinary action. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.
 5. *Reports Involving Minors:* Under New Jersey law, every person is a mandatory reporter of child abuse. Any member of the Stevens community who has reasonable cause to suspect abuse of a minor under the age of 18 must make a report to the Title IX Coordinator, Deputy Title IX Coordinator or Campus Police, who will facilitate a report to local law enforcement and the New Jersey Department of Children and Families.
 6. *Preservation of Evidence:* A Complainant is advised to seek immediate medical treatment and preserve physical evidence following an incident of misconduct even if s/he has not decided whether s/he wishes to pursue any action against a perpetrator of misconduct. This will help to ensure that a Complainant receives proper care and preserves his/her opportunity to support a disciplinary or criminal action at a later time. Stevens' medical personnel, Campus Police and the Hoboken University Medical Center can assist Complainants in preserving evidence.
- B. Reporting at Stevens:** Complainants or anyone else who is aware of the occurrence of an incident covered by this Policy are encouraged to report the incident as soon as possible to the Stevens' Title IX Coordinators and/or to Stevens' Campus Police.
1. *Obligation to Report by Certain University Employees:* All faculty members and any staff member who is (a) a member of Stevens' Campus Police or otherwise has a responsibility for campus security; (b) charged with significant responsibility for student affairs and/or campus activities or programs, including but not limited to student housing, student discipline, athletics, extra-curricular activities, Greek life, or student employment; (c) a member of the Human Resources department; or (d) in a supervisory or managerial role with respect to students or employees and is informed of an allegation of misconduct covered by this Policy is, in each case, required to immediately file a report with the Title IX Coordinator or Deputy Title IX Coordinator. Teaching assistants ("TAs") are required to immediately report allegations of misconduct covered by this Policy that they learn about in their capacity as TAs to the Title IX Coordinator or Deputy Title IX Coordinator. Reports from University employees to the Title IX Coordinator or Deputy Title IX Coordinator must include all relevant facts and details, including the names of the alleged perpetrator (if known), the person who experienced the conduct, and others involved in the incident, as well as any dates, times and locations. Certain University employees who serve in a privileged professional capacity (i.e., physicians, mental health counselors and others who are statutorily prohibited from reporting) are excluded from this reporting requirement, except where reporting is required by law.

2. *Campus Reporting Options:*

a. **Title IX Coordinator and Deputy:**

Dr. Kristie Damell

Associate Dean of Students and Title IX Coordinator
Howe Center, 10th Floor
Phone: 201-216-5679
E-mail: Kristie.Damell@stevens.edu

Maria Ouckama

Senior Director, Human Resources and Deputy Title IX Coordinator
Howe Center, 5th Floor
Phone: 201-216-5122
E-mail: Maria.Ouckama@stevens.edu

b. **Stevens Campus Police:** Reports can also be made directly to Stevens' Campus Police. Campus Police can be reached at 201-216-5105 or at the Gate House located at the south entrance to campus across from the Babbio Center. The emergency number is 201-216-3911.

c. **Anonymous Reporting:** Anonymous reports or requests for resources may be made through the University's EthicsPoint Compliance Hotline at 855-277-4065 or online through <https://secure.ethicspoint.com/domain/media/en/gui/31028/index.html>. EthicsPoint allows the University to request information from a reporter and provide updates to the reporter on an anonymous basis. Reports made via EthicsPoint will be forwarded to the Title IX Coordinator. EthicsPoint is not an emergency service. For emergency service, reporters should call Stevens' Campus Police or local law enforcement authorities.

3. *Study Abroad:* Students on study abroad experiences should report misconduct covered by this Policy directly to the local faculty or administrator in charge of the study abroad program and to the Stevens Title IX Coordinator or Campus Police.

C. Reporting to Off-Campus Police:

1. A Complainant has the option to report or decline to report the incident to the appropriate local law enforcement authorities and the University will assist the Complainant in contacting law enforcement if requested. A Complainant who wishes to report an incident to local law enforcement may seek assistance from the Title IX Coordinator, Deputy Title IX Coordinator, or Campus Police.
2. In cases involving potential criminal conduct, Stevens will determine, consistent with its obligations under federal, state and local law, whether appropriate law enforcement or other authorities should be notified.

D. Inquiries or Complaints about the Application of Title IX: Inquiries or complaints about the application of Title IX may be directed to Stevens' Title IX Coordinator, Deputy Title IX Coordinator, and/or to the United States Department of Education's Office for Civil Rights.

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor

New York, NY 10005-2500
Telephone: 646-428-3900
Email: OCR.NewYork@ed.gov

E. Intersection with Other Laws and Law Enforcement: All Stevens community members have a responsibility to adhere to University policies and local, state and federal law. Behavior that violates this Policy may also violate the laws of the locality in which the incident occurred.

1. *Law Enforcement Investigation Does Not Relieve University's Title IX Obligations:* A criminal investigation into an allegation of misconduct does not relieve or substitute for the University's duty to conduct its own prompt review of a complaint. Accordingly, the University will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolution of an alleged violation. Furthermore, because the standards for criminal proceedings differ from those used in University disciplinary actions, conduct that may not be subject to criminal action may still be addressed through the University's disciplinary process. A finding of "not guilty" in a criminal matter does not necessarily preclude a finding of responsibility for violating this Policy. At the request of law enforcement, Stevens may agree to defer its fact-gathering until after the initial stages of a criminal investigation. Stevens will nevertheless communicate with the Complainant regarding Title IX resources and procedural options, and the implementation of interim measures to ensure safety and well-being. Stevens will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.
2. *New Jersey Law:* The NJ Law Against Discrimination prohibits discrimination on the basis of sex, gender identity or expression, and affectional or sexual orientation. In addition, sexual and/or relationship violence is a crime. Sexual offenses are described in the New Jersey Criminal Code and may be found at Title 2C, Chapter 14. Assault and stalking may be found at Title 2C, Chapter 12. New Jersey's Prevention of Domestic Violence Act (which also covers dating violence) is available at Title 2C, Chapter 25.
3. *Study Abroad:* Students who are studying abroad should be aware that they are subject to this Policy as well as the laws of the host country, which define what constitutes sexual violence or other offenses.

VI. INVESTIGATION AND RESOLUTION OF A COMPLAINT:

A. Prompt, Equitable and Impartial Investigation and Response: Any reported conduct that may be in violation of this Policy will be investigated and addressed in a timely manner by trained individuals who are free from any conflicts of interest which may affect their judgment in the application of the Policy. Upon receipt of a report, Stevens will take immediate steps to assess the conduct, impose interim measures, and determine the appropriate course of action. The investigation will be initiated by a written notice of investigation, which will include the names of the parties, a brief description of the alleged conduct, and the potential policy violations. The investigator may amend the potential charges as part of the investigative process.

The University will designate a trained investigator, who may be a University employee or a trained investigator from outside of the University community. Any investigator used by the University must receive annual training on issues related to misconduct and on how to conduct an investigation that protects the safety of all individuals involved. The investigator will conduct a prompt, thorough, fair and impartial initial investigation of the complaint in the manner s/he deems necessary.

It is the responsibility of the University, not the parties, to gather relevant evidence, to the extent reasonably possible. The investigator will be responsible for interviewing the Complainant and Respondent (separately); interviewing potential witnesses; collecting relevant documentation and physical evidence, including documents, communications between the parties, and other electronic records as appropriate; creating a timeline; and preparing a written report documenting the complete investigation.

The parties to the complaint each will have an equal opportunity to be heard and identify witnesses and other evidence and will be kept informed of the status of the investigation as deemed appropriate.

Stevens will provide timely notice of any meeting or proceeding at which the party's presence is contemplated by these procedures. Stevens will also provide timely and equal access to any information that will be used during voluntary or formal resolution and related meetings or proceedings.

- B. Timelines:** While the length of an investigation will depend on a variety of factors including the nature and scope of the allegations, the number of parties and witnesses and the availability of parties and witnesses, the University will seek to conclude the investigation within twenty-five (25) working days of the notice of investigation. The University will seek to resolve the complaint, exclusive of any appeals, within sixty (60) working days of the notice of investigation.

The University may determine that circumstances warrant extending the timelines for investigation and resolution of a report for good cause. Such circumstances may include the unavailability of a party or key witnesses due to holidays or other breaks. In such cases, the University will simultaneously notify parties in writing of the status of the report, the revised timelines for its investigation and/or resolution and the reason for delay.

- C. Standard of Review:** The standard of review that the University will use when reviewing a complaint and making related determinations is the standard of "preponderance of the evidence." This means that the University will decide whether it is "more likely than not," based upon the information provided, that the Respondent is responsible for the alleged violation(s).

D. Determinations of Relevancy:

1. *Relevancy Generally:* Information that is irrelevant, more prejudicial than probative, or immaterial may be redacted. Similarly, the investigator may redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character.
2. *Medical or Counseling Records:* Medical and counseling records of a Complainant and Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party will be available for review by the other party.
3. *Prior Sexual History of a Complainant:* A Complainant's prior sexual history will never be used as evidence of character or reputation, and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant with other individuals is typically not relevant and will only be permitted if it is probative of a material fact, for example, to explain an injury or physical finding.
4. *Pattern Evidence by a Respondent:* In gathering information, the investigator may also consider other reports of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern or another material fact. For example, where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the determination of responsibility and/or

assigning of a sanction. Where there is a prior finding of responsibility for a similar act of misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigator at the earliest opportunity. Where a sufficient informational foundation exists, the investigator will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion in the report.

- E. Advisor of Choice:** If desired, parties may elect to have one advisor of their choosing present during any investigative interviews, meetings, or other related proceedings under this Policy. This advisor may be but need not be an attorney. This advisor may not speak or otherwise participate in the proceeding. The advisor's function is solely to observe, provide support, and provide guidance or advice to the party (outside of the proceeding). Stevens may remove or dismiss advisors who do not abide by the restrictions on their participation or who are otherwise disruptive. The advisor may not be someone who is otherwise a witness in the investigation. Adversarial hearings, including confrontation, cross-examination by the parties, and advocacy by attorneys or other advocates, are neither appropriate nor permitted during the investigation or resolution process. The advisor must meet with Title IX Coordinator (or designee) in advance of any participation in any meeting or proceedings to understand the expectations of the role, privacy, and appropriate decorum.
- F. Obligation to Participate by University Employees:** The University expects all members of the faculty and staff to cooperate fully in the investigation of complaints. Any faculty or staff member who is the subject of, a potential witness regarding, or the recipient of a report of misconduct covered by this Policy and refuses to cooperate in an investigation is subject to discipline up to and including termination of employment.
- G. Interim Steps:** Upon receipt of a report of misconduct, and at any time prior to or during the investigation, reasonable and appropriate interim steps may be taken to protect the safety and well-being of members of the University community or to eliminate the reported hostile environment. Interim steps may be both remedial (designed to address the Complainant's well-being and continued access to educational and employment opportunities) or protective (involving action against a Respondent). Remedial measures are available regardless of whether the Complainant chooses to pursue any action under this policy.

Depending on whether the situation involves students or employees, such steps may include, but are not limited to the following range of remedial and protective interim steps: restricted access to campus facilities; reassignment in University housing; academic modifications (e.g., rescheduling of exams and assignments, providing alternative course completion options or a change in class schedule, or transferring sections, including the ability to drop a course without penalty); academic support services; job modifications; no-contact orders; assistance in obtaining a civil protection order; access to medical or counseling services and assistance in setting up initial appointments, both on and off campus; interim suspension or leave; facilitating a meeting with law enforcement to discuss safety planning and law enforcement options; a change in work schedule or job assignment; a change of office or work space; providing an escort to ensure safe movement between classes, work and other activities; assistance in resolving concerns about immigration status, visas or financial aid; and any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

Requests for changes to academic, living, transportation, or working situations, or other protective measures or accommodations should be made to the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator will maintain the privacy of any interim measures provided under this policy to the extent possible. The University will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure.

H. Resolution of a Complaint:

Stevens will resolve complaints of misconduct according to the following procedures in a manner that is fair, prompt and impartial:

1. *Title IX Assessment:* In every report of misconduct under this Policy, the Title IX Coordinator will make a prompt assessment of the existence of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of individuals and the campus community.
2. *Informal Resolution:* Where the Title IX Coordinator concludes that Informal Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to eliminate the conduct, prevent its recurrence and address its effects. Participation in Informal Resolution by a Complainant is voluntary, and a Complainant can request to end Informal Resolution and pursue an investigation or other action at any time. Informal Resolution includes non-disciplinary interventions (e.g., education, counseling, mediation, changes in housing and/or academic accommodations, administrative actions). Informal Resolution is typically used when a Complainant requests anonymity, does not consent to participation in an investigation, or the alleged conduct, even if it does not rise to the level of a policy violation, suggests the need for remedial, educational or preventive action. Depending on the form of Informal Resolution used, it may be possible for a Complainant to maintain anonymity. If the Respondent is asked to participate in Informal Resolution, the Respondent has the right to decline or to end this type of process at any time and begin a formal proceeding. Mediation will not be used to resolve complaints of sexual violence. The Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be completed within sixty (60) days of the initial report.
3. *Formal Resolution:* Should an informal resolution be inappropriate or unattainable, the matter will be reviewed under the following process:
 - a. The investigator will conduct interview(s) with parties and witnesses;
 - b. The investigator will review party and witness statements and other evidence presented;
 - c. The investigator will issue a written report to the parties summarizing the witness statements and other evidence presented without rendering any conclusions so that both parties have an opportunity to respond to the evidence collected, including correcting factual errors;
 - d. The parties will have an equal opportunity to correct and/or respond to the evidence set forth in the report;
 - e. The investigator will review any party responses and make a determination whether University policies have been violated according to the “preponderance of the evidence” standard described above;
 - f. The investigator will issue written findings to the parties which include the investigator’s determination as to whether University policies have been violated;
 - g. If there has been a finding of responsibility on the part of the Respondent, each party will have an opportunity to provide an impact/mitigation statement that will be considered by the University administrator who will determine the appropriate disciplinary sanctions. The University administrator may also elect to meet with the parties;
 - h. If there has been a finding of responsibility on the part of the Respondent, the relevant University administrator will determine the disciplinary sanctions and/or other remedies.

- i. As a general matter, the relevant University administrator who will determine appropriate sanctions will be (i) the Assistant Vice President for Student Affairs or another designee of the Vice President for Enrollment Management and Student Affairs for matters involving student Respondents and (ii) the Senior Director of Human Resources or another designee of the Vice President of Human Resources for matters involving faculty or staff Respondents.
4. *Disciplinary Sanctions:* The specific sanctions imposed by the University may differ depending on the circumstances of the matter being addressed. In general, however, sanctions imposed upon Respondents determined to have violated this Policy are at the discretion of the University. Sanctions imposed upon students can include a range of sanctions including, warning, censure, education, counseling, disciplinary probation, loss of privileges, suspension or expulsion from a residence hall or Greek housing, suspension or expulsion from University premises, and/or suspension or expulsion from the University's academic programs. Any of these forms of sanction may be supplemented with additional required actions by the Respondent. Sanctions imposed on employees can include a range of sanctions including, warning, censure, education, counseling, disciplinary probation, paid or unpaid suspension of employment, demotion, or termination of employment. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.
5. *Other Remedies:* Where possible, Stevens will take steps to eliminate the recurrence of any discrimination, violence, harassment or other misconduct, prevent its recurrence and to address the effects on the Complainant and others. Examples of such remedies may include the provision of counseling opportunities, academic services, escort services, and/or training for members of the Stevens community, as well as making modifications to class scheduling and/or housing assignments. Requests for changes to academic, living, transportation, or working situations, or other protective measures or accommodations should be made to the Title IX Coordinator or Deputy Title IX Coordinator.
6. *Notification to Parties:* Stevens will simultaneously notify each party in writing of the outcome of the complaint. "Outcome" includes the University's determination of whether the alleged misconduct occurred, the sanction imposed on the Respondent, and the rationale for each. The Respondent will also be informed of the details of any sanctions, the date by which any requirements must be satisfied, and the consequences of failure to satisfy the requirements.
7. *Appeals:*
 - a. *Grounds for Appeal:* Dissatisfaction with the outcome is not grounds for appeal. The limited grounds for appeal are as follows: (1) new evidence is available that could affect the adjudication that was unavailable at the time of the adjudication; (2) procedural error(s) that had a material impact on the fairness of the investigation or adjudication; and (3) the sanctions imposed were grossly disproportionate to the violation committed.
 - b. *Appeal Procedures where the Respondent is a Stevens' Student:*
 - i. Both parties have the right to appeal the findings (as provided in (a) above), disciplinary decision and/or the resulting sanction(s) to the Vice President for Enrollment Management and Student Affairs (an impartial decision-

maker). The person appealing the findings, disciplinary decision and/or sanction(s) must submit a letter of appeal in writing to the Vice President for Enrollment Management and Student Affairs within five (5) working days of receiving the disciplinary decision and sanction(s).

- ii. The Vice President for Enrollment Management and Student Affairs will review the disciplinary file and the appeal letter and may elect to meet with the parties.
- iii. Within fifteen (15) working days of receipt of the appeal, the Vice President for Enrollment Management and Student Affairs will render a decision using the preponderance of the evidence standard and will simultaneously inform the parties of the decision in writing.
- iv. The options available to the Vice President for Enrollment Management and Student Affairs are to: (a) affirm the findings, disciplinary decision and/or the sanction(s); (2) modify the findings, disciplinary decision and/or sanction(s); or (3) in the event of significant new evidence, order a new adjudication process based on the totality of the evidence.
- v. The decision by the Vice President for Enrollment Management and Student Affairs is final. No further appeals are available. A copy of the appellant's letter will be placed in the parties' files.

c. *Appeals Procedures where the Respondent is a Stevens' Employee:*

A Complainant or Respondent may file a written request for reconsideration of an adjudication in which the Respondent is an employee to the Vice President for Human Resources or designee, who in either case must be an impartial decision-maker, within five (5) working days of notification of the outcome of the complaint. The Vice President for Human Resources (or designee) will review the matter and the appeal letter and may elect to meet with the parties. Within fifteen (15) working days of receipt of the appeal, the Vice President for Human Resources or (designee) will render a decision and simultaneously inform the parties in writing. The decision by the Vice President for Human Resources (or designee) shall be final except that, following such decision of the Vice President for Human Resources (or designee), certain specified employees may take the additional actions provided below. A copy of the appellant's letter will be placed in the parties' files.

- i. *Tenured and Tenure-Track Faculty* who have received a proposed sanction of dismissal or suspension without pay are entitled to request that the charges be reviewed according to the procedures set forth in Section 3.9.2.2 of the Faculty Handbook. This additional review process is not for the purpose of re-evaluating whether the misconduct occurred but rather for determining whether the finding of misconduct justifies the discipline imposed.
- ii. *Bargaining Unit Employees* may resort to the grievance procedures of the applicable collective bargaining agreement. This additional review process is not for the purpose of re-evaluating whether the misconduct occurred but rather for determining whether the finding of misconduct justifies the discipline imposed.

8. **Student Employees:** In the event that the Respondent is both a student and a Stevens' employee, the complaint will be processed according to the student procedures contained in this Policy.

9. **Resolution Where the Respondent is Neither a Stevens Student Nor Employee:** Complaints against individuals who are not members of the Stevens' community (e.g., contractors, vendors, or other visitors to Stevens' campus) will be investigated and Stevens will take steps to remedy the misconduct and support the Complainant in reporting the misconduct externally. While Stevens' ability to impose sanctions against a person who is neither a student nor an employee may be limited, such sanctions will be considered and, if appropriate, imposed on such person (e.g., ban from campus, notifying the Respondent's employer of the misconduct). In addition, where appropriate, Stevens will take steps to prevent the recurrence of any discrimination, violence, harassment or other misconduct and to correct the effects on the Complainant and others.

I. Records: The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of how the matter is resolved. A complaint against a student which is resolved by the Title IX Coordinator or Deputy Title IX Coordinator's initial assessment or informal resolution will not be part of a student's conduct file or academic record. Affirmative findings of responsibility in matters resolved through formal resolution will be part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions. The University reserves the right to include any records regarding complaints against non-student employees in the employee's personnel file.

J. Expectations of Parties: Participants in proceedings under this Policy should expect the following:

1. The right to be treated with respect, dignity, and sensitivity throughout the process.
2. If the party is a student, the ability to seek support services at or through the University (e.g., on- and off-campus counseling, mental health or other student services for victims of misconduct covered by this Policy). If the party is an employee, the ability to use Stevens' employee support programs.
3. If the party is a student, the right to protection under the Family Educational Rights and Privacy Act ("FERPA"), a federal law that protects the privacy of student education records.
4. The right to file a complaint on campus and to avail oneself of the process for doing so including, but not limited to, the following: an adequate, reliable, prompt and impartial investigation of complaints; an equal opportunity to present relevant witnesses and other evidence; and an equal opportunity to file an appeal.
5. The right to file a complaint with the appropriate local law enforcement authorities and to obtain assistance from the University in doing so.
6. The right to request and receive reasonable modifications to academic, living, transportation, or working situations, or other protective measures or accommodations .
7. The right to be simultaneously notified of the outcome of the complaint in writing, including the result of any appeals.

F. TRAINING, PREVENTION AND EDUCATION

The University provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education.

G. CONCLUSION

Stevens is committed to equality of opportunity and maintaining a safe learning environment that is free of gender-based and sexual misconduct including sexual violence, sexual harassment, relationship violence and stalking. All members of the Stevens community are responsible for compliance with this Policy and are encouraged to report misconduct covered by this Policy whether it takes place on or off-campus. In addition, all faculty members and all staff members listed at Section V.B. of this Policy are **required** to immediately report allegations of misconduct to the Title IX Coordinator or Deputy Title IX Coordinator, regardless of whether the Complainant intends to make a report. This Policy supersedes all other student and employee policies with respect to sex discrimination, gender-based discrimination, affectional and sexual orientation discrimination, sexual violence, sexual harassment, relationship violence, stalking and other forms of gender-based or sexual misconduct. Inquiries or complaints about the application of Title IX may be directed to Stevens' Title IX Coordinator, Deputy Title IX Coordinator, and/or to the United States Department of Education's Office for Civil Rights ("OCR"). The contact information for OCR may be found at Section V.D of this Policy.