

Anti-Harassment and Non-Discrimination Policy

Office of Human Resources

Notice of the Title IX Coordinator

As a community of educators and learners, Rider University is committed to fostering an environment dedicated to learning and mutual respect as reflected in the University's mission, Statement of Community Values, Anti-Harassment and Non-Discrimination Policy and Title IX. All students, faculty, administrators and staff at the University have the right to expect an environment that allows them to enjoy the full benefits of their work or learning experience. The University, therefore, does not condone violations of its Anti-Harassment and Non-Discrimination Policy and treats all allegations about violations very seriously. As outlined in the Anti-Harassment and Non-Discrimination Policy, the University prohibits all forms of discrimination, harassment, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking.

Rider University is an Equal Opportunity and Affirmative Action Employer. No one will be denied employment at, admission to, or the opportunity to participate in educational programs and activities at the University on the basis of race, creed, color, religion, handicap/disability, gender, sex, age, marital status, sexual orientation, gender identity, gender expression, national origin, ethnicity, status as a Vietnam-era qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law. The University does not discriminate on the basis of any of the aforementioned protected bases in the recruitment and admission of students, the recruitment and employment of faculty, administrators and staff, and the operation of any of its programs and activities.

The Senior Associate Vice President for Human Resources and Affirmative Action serves as both the Affirmative Action Officer and the Title IX Coordinator for the University, and is the resource available to anyone seeking additional information or wishing to file a report related to Affirmative Action and discrimination on the basis of race, creed, color, religion, handicap/disability, gender, sex, age, marital status, sexual orientation, gender identity, gender expression, national origin, ethnicity, status as a Vietnam-era, qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law.

The Affirmative Action Officer and the Title IX Coordinator for the University may be contacted as follows:

Robert Stoto
Vice President for Human Resources & Affirmative Action
Title IX and ADA/504C Coordinator and Affirmative Action Officer
Moore Library, Room 108
609-895-5683
rstoto@rider.edu

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University Anti-Harassment and Non-Discrimination Policy

Rider University prohibits all forms of discrimination, harassment, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking.

The University's Anti-Harassment and Non-Discrimination Policy (the "Policy") governs the treatment of harassment and discrimination cases at Rider University including sexual harassment, sexual assault, sexual misconduct, domestic violence, dating violence and stalking. To the extent this policy conflicts with provisions found in the University Student Code of Conduct or the University Employee Handbook, the terms of this Policy shall apply.

The Policy applies to conduct described above that occurs on University premises, at University sponsored activities, and off-campus conduct engaged in by a student or employee of the University that is violative of the Policy and the University believes poses a threat to the health, safety or welfare of any members of the University community or any residents of neighboring communities. The Policy applies to all students and employees, and to third-parties on University premises or at University sponsored activities.

The Senior Associate Vice President for Human Resources is the University's Title IX and Affirmative Action Officer and the designated coordinator for compliance with this policy. The Title IX Coordinator may be contacted as follows:

Robert Stoto

Vice President for Human Resources & Affirmative Action

Title IX and ADA/504C Coordinator and Affirmative Action Officer

Moore Library, Room 108

609-895-5683, rstoto@rider.edu

The University's Title IX Coordinator is the resource available to anyone seeking additional information on the University's Anti-Harassment and Non-Discrimination Policy or wishing to file a report related to Affirmative Action and discrimination. The U.S. Department of Education, Office for Civil Rights (OCR), is the federal agency charged with enforcing compliance with Title IX. Information regarding OCR can be found at: www.ed.gov/ocr.

Retaliation Prohibition

Rider University prohibits retaliation (including, but not limited to, intimidation, threats, coercion or discrimination) against any individual who reports a potential a violation of the Policy or assists in providing information related to a report of a potential violation or violation of the Policy.

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Prohibited Conduct

Discrimination involves unfair treatment of a person or group based on prejudice regarding their personal characteristics. Rider University does not discriminate on the basis of race, creed, color, religion, gender, sex, sexual orientation, gender identity, gender expression, handicap/disability, age, marital status, national origin, ethnicity, status as a Vietnam-era, qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law, in employment or in the application, admission, operation, participation, access and treatment of employees and students, in any of the University's programs and activities as specified by federal law and regulations. Additionally, it is the policy of Rider University to provide an environment for prospective and current students, job applicants, employees and other third parties that is free from harassment and intimidation on account of an individual's race, creed, color, religion, gender, sex, sexual orientation, gender identity, handicap/disability, age, marital status, national origin, ethnicity, status as a Vietnam era, qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law.

Harassment occurs when an individual engages in conduct directed at an individual or group of individuals that is sufficiently severe, persistent, or pervasive, and objectively offensive to limit or deny a member of the University community the ability to participate in or benefit from the University's educational or employment programs or activities. Nothing contained in this policy shall be construed either to (1) limit the legitimate exercise of free speech, including but not limited to written, graphic, electronic or verbal expression that can reasonably be demonstrated to serve legitimate education, artistic, or political purposes, or (2) infringe upon the academic freedom of any member of the University community.

Intimate Partner Violence includes dating violence, domestic violence and relationship violence and occurs when an individual(s) threatens, intimidates, harms, or commits an act of violence against a current or former intimate partner. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the Complainant's statement, taking into consideration, (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. Domestic violence is committed by a current or former spouse, a sexual or intimate partner, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents or children, other persons related by blood or marriage, or a person with whom the alleged victim shares a child in common. For purposes of clarity, to constitute Intimate Partner Violence, the relationship must be more than just two people living together as roommates.

For the purposes of this policy, violence is defined under charged 2.2. and/or 2.4 of the Student Code of Social Conduct

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Non-Consensual Sexual Contact is defined as actual or attempted non-consensual, intentional sexual touching with an object or body part by a person upon another person that is without consent and/or by force. Sexual Touching means intentional contact directly or through clothing with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you, themselves, or a third-party with or any of these body parts; or any other bodily contact with the intent to sexually arouse or gratify the actor.

Non-Consensual Sexual Penetration is defined as any sexual penetration, however slight, with any object by a person upon another person that is without consent. Penetration includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sexual Exploitation is any act committed by an individual(s) that violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute sexual harassment, non-consensual sexual contact, or non-consensual sexual penetration. Examples include, but are not limited to, the following: voyeurism, recording, photographing, transmitting, viewing, or distributing intimate or sexual image or sexual information without the knowledge and consent of all parties involved.

Sexual Harassment is defined as unwelcome sexual advances (including, but not limited to, sexual assault and sexual misconduct), requests for sexual favors, and/or physical, verbal, electronic*, written conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, education, or participation in University programs or activities, or
- Submission to or rejection of such conduct by an individual is used as a basis for decisions pertaining to an individual's employment, education, or participation in University programs or activities, or
- Such speech or conduct is directed against another and is abusive or humiliating and persists after the objection of the person targeted by the speech or conduct, or
- Such conduct would be regarded by a reasonable person as creating an intimidating, hostile or offensive environment that substantially interferes with an individual's work, education, or participation in University programs or activities.

* Electronic refers to communication using/including the Internet, email, text messages, instant messages, photo messages, discussion boards, digital images/ video/audio, blogs or social networking sites.

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In the educational setting within the University, as distinct from other work places within the University, wide latitude for professional judgment in determining the appropriate content and presentation of academic material is required. Conduct, including pedagogical techniques, that serves a legitimate educational purpose does not constitute sexual harassment. Those participating in the educational setting bear a responsibility to balance their rights of free expression with a consideration of the reasonable sensitivities of other participants.

Stalking occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. "Substantial emotional distress" under this policy is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" under this policy is defined as two or more acts including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

In addition to the conduct described in the above section, any conduct that is prohibited by the university that may be based on the perceived or actual membership of an individual or group of individuals in a protected class may be investigated under this policy. "Protected Class" under this policy includes race, creed, color, religion, handicap/disability, gender, sex, age, marital status, sexual orientation, gender identity, gender expression, national origin, ethnicity, status as a Vietnam-era qualified disabled veteran or other protected veteran, or status as a member of any other protected class under federal or state law.

Definitions

Advisor is a person chosen by each of the Complainant and Responding Party who is permitted to accompany the Complainant and Responding Party respectively to any meeting or disciplinary proceeding (including, but not limited to, fact finding investigations, formal or informal meetings, hearings and/or mediation sessions). An advisor is an individual (friend, parent, attorney or anyone else) who provides the Complainant and Responding Party respectively with support, guidance or advice. The advisor is not permitted to be an active participant in meetings or disciplinary proceedings. It is the responsibility of the Complainant and Responding Party to provide notice of meetings or disciplinary proceedings to their respective advisor. Meetings and/or disciplinary proceedings generally will not be canceled or delayed because an advisor could not be present. However, reasonable requests to reschedule based on compelling circumstances may be considered.

Consent is an understandable exchange of affirmative words or actions that indicate a willingness to participate in mutually agreed upon sexually explicit touching or sexual penetration. Consent is active, not passive, and must be informed and freely and actively given. Coercion, force or threat of coercion or force invalidates consent.

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It is incumbent upon the individuals involved in the activity to obtain consent prior to any sexual activity, and again, prior to sexual penetration. If at any time during the sexual interaction any confusion or ambiguity should arise on the issue of consent, it is incumbent upon the individuals involved in the activity to stop and clarify, verbally, the other's willingness to continue.

- A verbal “no,” even if it may sound indecisive or insincere, constitutes lack of consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent.
- Consent can be withdrawn at any time. But it is expected that, after consent has been established, a person who changes their mind during the sexual activity will communicate through words or actions, their decision to no longer proceed.
- Consent can be conditional. For example, a person may consent to sexual activity only if a safer sex product (i.e. internal or external condom) is used. If the other person removes the safer sex product and wishes to continue the sexual activity, they would need to ask before continuing since consent was only previously given for sexual activity with a safer sex product
- Past consent to sexual activity does not imply future ongoing consent, and the fact that two persons reside together or are in an on-going relationship does not preclude the possibility that sexual misconduct or sexual assault might occur within that relationship.
- A person who is asleep, incapacitated, or is not reasonably capable of assessing the situation and surrounding circumstances, whether due to the effect of drugs, alcohol, or for any other reason, is not capable of giving valid consent. Consent is not valid if a reasonable person would understand that such a person is incapable of giving consent.
- A person's use of alcohol, other drugs, and/or other intoxicants does not diminish their responsibility to obtain informed and freely given consent.

Complainant is anyone who submits a report alleging that an individual violated the Policy and/or anyone who is alleged to have been the subject of a violation of the Policy. Oftentimes the individual submitting the report and the individual who is the subject of the violation are the same. In instances where the subject of the violation is different from the individual submitting the charge, both individuals will have the same rights afforded to the Complainant under the Policy. The University may initiate an investigation in cases where a Complainant chooses not to move forward or participate in the process, but the University decides to move forward with an investigation and/or disciplinary action because it has information that raises concerns regarding the safety and welfare of the Complainant and/or campus communities. Factors that may be

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considered but are not limited to, the following: the increased risk that the Responding Party will commit additional acts of sexual or other violence; whether a weapon is involved; whether the individual(s) targeted by the alleged behavior is a minor; and/or whether the Complainant's report reveals a pattern of perpetration by the Responding Party. Both the Complainant and Responding Party will be notified of such a decision by the University.

Gender expression refers to the way an individual communicates gender identity to others through outward presentation and behavior. This includes, but is not limited to: clothing, hairstyle, voice, and body characteristics.

Gender identity refers to an individual's internal personal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

Hostile Environment exists when sexual harassment (including all forms of sexual violence) is sufficiently severe, or persistent, or pervasive, and objectively offensive to limit or deny a member of the University community the ability to participate in or benefit from the University's educational or employment programs or activities.

Responding Party is anyone who is alleged to have violated the Policy.

Third Party is anyone who is not a student or employee of the University (e.g., vendors, alumni/ae, guests, contracted employees).

Statement on Consensual Relations between Faculty and Students, Athletic Staff and Student-Athletes and Employees and Subordinates

Consensual romantic and/or sexual relationships between employees (including faculty and athletic staff) and students with whom they also have an academic, supervisory or evaluative relationship, or between an employee and their subordinate, is fraught with the potential for exploitation and may compromise the University's ability to enforce its policy against sexual harassment. Employees must be mindful that the authority that they exercise in their interactions with students and subordinates may affect the decision of a student or a subordinate to enter into or end a romantic or sexual relationship. Even when both parties initially have consented, the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students, athletic staff members and student athletes or supervisors and subordinates.

In their relationships with students and subordinates, faculty, athletic staff and supervisors are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual or romantic relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student or subordinate.

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Reporting and Confidentiality

Members of the University community are strongly encouraged to promptly report all experienced or observed incidents of discrimination and harassment, including non-consensual sexual contact, non-consensual sexual penetration, sexual harassment, intimate partner violence, sexual exploitation, and stalking. Prompt reporting allows individuals to get the support they need and enhances the ability of the University to respond appropriately.

Reporting Allegations of a Policy Violations

Reports alleging that a student, employee or (non-student) third party violated the Policy, whether filed by an employee, a student, or a third party, should be reported to the Associate Vice President for Human Resources who is the University's Title IX Coordinator, Affirmative Action Officer and the designated coordinator for compliance with this Policy.

Robert Stoto

**Vice President for Human Resources & Affirmative Action/
Title IX Coordinator
Moore Library, Room 108
609-895-5683, rstoto@rider.edu**

The Title IX Coordinator (or designee) will notify the relevant vice-president/division head and the president of the union (if the Responding Party is a bargaining unit member) as soon as possible after receiving the report and provide the Complainant, Responding Party, the relevant vice-president/division head and the union president (when appropriate) with a copy of the report and this Policy.

Reports may also be made to the individuals and offices below:

Tom Johnson

**Title IX Compliance Officer
Bart Luedeke Center, Room 113B
609-896-5000 ext 7309, tjohnson@rider.edu**

Cindy Threatt

**Associate Vice President for Student Affairs & Dean of Students
Bart Luedeke Center, Room 110
609-896-5101, cthreatt@rider.edu**

Christopher Botti

**Associate Dean of Students, Westminster Choir College
Student Center, Dean of Students Suite
609-921-7100 ext 8232, cbotti@rider.edu**

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Department of Public Safety
West House, Lawrenceville campus
Bristol Chapel, Princeton campus
Both campuses: 609-896-5029 (non-emergency); 609-896-7777 (emergency)

Silent Witness Form (anonymous reporting) is available via Rider's Web site at www.rider.edu/info/publicsafety/witness.htm.

Amnesty Provision Regarding Alcohol Policy and/or Student Code of Social Conduct Violations

The health and safety of the University community is of paramount concern to all members of Rider University. The University recognizes that an individual who has been drinking or using illegal substances at the time of an incident may be hesitant to file a report of an alleged violation of the Policy for fear that they may face Alcohol Policy or Student Code of Conduct sanctions for their drinking or use of illegal substances.

An individual who reports an alleged violation of the Policy will not be subject to sanctions by the University under the Alcohol Policy or Student Code of Conduct for their own consumption of alcohol or illegal substances 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. In addition, the Title IX Coordinator (or designee) shall have discretion to grant amnesty from an alcohol or substance abuse violation to any witness to an alleged violation of the Policy upon a showing of good cause. The University may, however, initiate an educational discussion or pursue other educational remedies regarding the use or abuse of alcohol or other illegal substances if applicable.

Reporting and Confidentially Disclosing Sexual Violence: Know the Options

University employees have different abilities to maintain a Complainant's confidentiality.

- Disclosing an allegation or incident to the Title IX Coordinator, Associate Vice President for Student Affairs, Department of Public Safety or any other responsible employee (described in the section that follows) constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation. Responsible employees are required to report information concerning an incident to the Title IX Coordinator.
- A Complainant is free to discuss an incident or allegation, in confidence, with Counseling Center. These staff are not required to report any information about an incident to the Title IX Coordinator or Associate Vice President for Student Affairs without a Complainant's permission.

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- A Complainant is also free to discuss an incident or allegation, in confidence, with Student Health Services staff. These staff are required to only report to the Title IX Coordinator, the Associate Vice President for Student Affairs, or Department of Public Safety that an incident occurred without revealing any personally identifying information. Disclosures to these staff will not trigger a University investigation into an incident against the Complainant's wishes.

PLEASE NOTE: A Complainant who speaks to Counseling Center or Student Health Services staff and who wants to maintain confidentiality should understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the Responding Party. A Complainant who at first requests confidentiality may later decide to file a report with the University or law enforcement authorities and thus have the incident fully investigated. Assistance in that regard will be provided if the Complainant chooses to do so.

Responsible Employees

Responsible employees are University employees who have the authority to redress sexual violence, who have the duty to promptly report incidents of sexual violence or other student misconduct, or who a student could reasonably believe have this authority or duty. When a Complainant tells a responsible employee about an alleged violation of the Policy, the responsible employee shall report the incident to the Title IX Coordinator, who shall take immediate and appropriate steps to investigate what happened and to resolve the matter promptly, fairly and impartially.

To the extent possible, information reported to responsible employees will be shared only with people responsible for handling the University's response to the report.

Responsible employees will not pressure a Complainant to request confidentiality and will not pressure a Complainant to make a full report if the Complainant is not ready to do so.

All Rider University employees (faculty, administrators and staff) are considered responsible employees EXCEPT for those listed below. Responsible employees also include students who are employed by Residence Life as Community Assistants and Community Directors.

- Counseling Center and Student Health Center professional and non-professional staff (to whom a Complainant can report confidentially). The Alcohol/Drug & Sexual Assault Prevention Education Coordinator (ASAP), who works in the Student Health Center, is not included in this exemption.
- Facilities (non-management) staff

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- Contracted food, custodial, bookstore, SRC fitness center, credit union and printing/copying staff are NOT Rider employees and are therefore NOT considered responsible employees.

Requesting Confidentiality from the University

If a Complainant discloses an incident to the Title IX Coordinator, Associate Vice President for Student Affairs, the Department of Public Safety or a responsible employee but also wants to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action be taken, the University will weigh that request against its obligation to provide a safe, non-discriminatory environment for all students, faculty and staff, including the Complainant. The Title IX Coordinator (or designee) is responsible for evaluating requests for confidentiality.

If the University honors the request for confidentiality, a Complainant must understand that the University's ability to meaningfully investigate the allegation and pursue disciplinary action against the Responding Party may be limited. Additionally, the level of appropriate action the University can take in response to the allegation depends on the Complainant's participation in the process.

There may be times, however, when the University may not be able to honor a Complainant's request for confidentiality in order to provide a safe, non-discriminatory environment for all students, faculty and staff. Factors that will be considered when weighing such requests include, but are not limited to, the following: the increased risk that the Responding Party will commit additional acts of sexual or other violence; whether a weapon is involved; whether the Complainant is a minor; whether the Complainant's report reveals a pattern of perpetration by the Responding Party; and/or whether the University has other means to obtain relevant evidence (security cameras, physical evidence, etc.). The presence of one or more of these factors could lead the University to investigate and, if appropriate, to pursue disciplinary action. Both the Complainant and Responding Party will be notified of such a decision by the University.

If the Title IX Coordinator (or designee) determines that the Complainant's confidentiality cannot be maintained, the Title IX Coordinator (or designee) will inform the Complainant prior to starting an investigation and will, to the extent possible, share information only with people responsible for handling the University's response.

Additionally, if the University determines that the reported incident poses a serious or continuing threat to students and/or employees, it will issue a timely warning. As per the Clery Act, a timely warning, communicated via email, RiderAlert (the University's mass electronic notification system), website, and/or building signage, is used to notify the University community of Clery Act crimes committed on campus or in the surrounding area. Any such warning will not include any information that identifies the Complainant.

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As per the New Jersey Campus Sexual Assault Victim's Bill of Rights (provided at the end of this booklet), the University may choose to contact law enforcement authorities directly following a report of a violation of this Policy if force or violence is involved or there is concern regarding the safety or welfare of the Complainant and/or campus communities even if the Complainant chooses not to do so. The Complainant will be informed of this decision.

Providing False Information

A report that is ultimately unsubstantiated after a formal investigation or hearing process generally will not be considered a false report. However, any individual who knowingly provides false information while filing a report, providing information during an investigation, or participating in a hearing setting may face disciplinary action.

Requesting Accommodations

Rider University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the resolution processes within this policy.

Any student needing such accommodations or support should contact the Director of Student Accessibility and Support Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator (or designee), determine which accommodations are appropriate and necessary for full participation.

Any employee needing such accommodations or support should contact the Vice President of Human Resources/Title IX Coordinator who will determine which accommodations are appropriate and necessary for full participation.

Assistance and Support

If You Have Experienced a Sexual Violence or Intimate Partner Violence: Getting Help as Soon as Possible

The University encourages individuals who may have experienced sexual violence or intimate partner violence to talk to someone about what happened so that they can get the support they need, and the University can respond appropriately. A person has the right to simultaneously file a criminal complaint and report to the University under this Policy.

Individuals are encouraged to seek medical attention and preserve evidence that may assist in proving that the alleged violation occurred (i.e. do not bathe, shower or change clothes) or may be

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helpful in obtaining a protection order regardless of whether or not a person decides to pursue criminal prosecution at any point. Other evidence that should be preserved includes text and email messages, bedding and clothing.

In the case of sexual violence, a sexual assault response team (SART) will be activated by the hospital should a person seek medical attention and/or wish to have evidence collected. A specially trained sexual assault nurse examiner (SANE) will respond as part of the team to perform the examination. The evidence will be secured whether or not a person decides to pursue criminal prosecution. If a person chooses not to pursue criminal prosecution, the evidence will not be tested and will be held for at least five (5) years as per NJ State Attorney General directive. A sexual assault care advocate will be available to assist a person through the process.

University Assistance for a Complainant

A Complainant can expect the following assistance from the University when an allegation of a policy violation is made, whether the alleged violation occurred on or off campus. The University will:

- Provide a written explanation regarding the Complainant's rights and options as outlined in the New Jersey Campus Sexual Assault Victim's Bill of Rights (provided at the end of this booklet), the Anti-Harassment and Non-Discrimination Policy and related procedures.
- Provide or assist in obtaining University and/or community-based services for health, mental health, counseling, legal, victim advocacy, visa and immigration assistance, student financial aid and other support services.
- Provide notification about and assistance with protective measures and/or options for accommodations/changes to academic, living, transportation or work situations (see "Protective Measures and Accommodations" section that follows), provided that reasonable alternatives are available, regardless of whether the Complainant chooses to report the alleged incident to the University or law enforcement authorities. This includes student financial aid information related to withdrawing from a class or the University, loan repayment terms and other related information.
- Provide information about options regarding reporting the incident to law enforcement and/or University authorities, including that the Complainant can decline to notify such authorities. The University will comply with a Complainant's request for assistance in notifying law enforcement authorities and/or moving forward with University disciplinary proceedings.

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- The University will also support a Complainant who chooses to pursue with law enforcement authorities orders of protection, restraining orders or similar lawful orders, which the University itself cannot provide (other than no contact orders). The University is responsible for complying with and enforcing orders of protection, restraining orders or similar lawful orders.

 - Provide information about how the University will protect the confidentiality of the Complainant and other necessary parties, to the extent permissible by law, including how the University will meet its public record-keeping obligation regarding the incident, including Clery Act reporting and disclosures, without disclosing personally identifying information about the Complainant. Personally identifying information includes first and last name; a home or other physical address; contact information (including a postal or email address or phone number), social security, driver's license, passport and or student ID numbers; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

The ultimate decision regarding whether the Complainant wants to proceed with health, mental health, legal and/or counseling services belongs to the Complainant. Complainants are free from any pressure from University personnel to report an incident to law enforcement authorities if they do not wish to do so, report an incident as a lesser offense than a Complainant perceives the crime to be, refrain from reporting an incident, and/or refrain from reporting an incident to avoid unwanted personal publicity.

Protective Measures and Accommodations

The University is obligated to comply with a Complainant's reasonable request for a living and/or academic situation change following an alleged sexual offense. The Title IX Coordinator and/or the Associate Vice President for Student Affairs (or designee) has the authority to take reasonable and prudent measures to protect the Complainant pending completion of any of the procedures outlined in the Policy and following a finding of responsibility. Protective measures and accommodations, where reasonably available, can be made regardless of whether the Complainant chooses to report the alleged incident to the University or law enforcement authorities. Protective measures and accommodations are designed to minimize the burden on the Complainant.

Protective measures and accommodations may include, where reasonably available,

- administrative directives (i.e. no contact orders, removal from residence halls, or suspension of participation in extra-curricular activities)

- interim suspensions

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- transportation assistance or security escorts
- changes to academic, work, and/or dining schedules, housing, transportation
- withdrawal or retaking of a class without penalty
- access to academic support such as tutoring
- a delay/suspension in the awarding of a degree and/or certifying graduation

Factors that may be considered in providing protective measures and accommodations include, but are not limited to, the specific need expressed by the Complainant; the ages of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Responding Party share the same residence hall, class, transportation or job location; and/or whether other judicial measures have been taken to protect the Complainant (i.e. civil protection orders).

The University will maintain as confidential any protective measures or accommodations provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the protective measures or accommodations.

The University will notify the Complainant in advance if personally identifying information about the Complainant is necessary to obtain an accommodation or protective measure. The Complainant will be told what information will be shared, with whom and why.

The decision to disclose personally identifying information, when necessary, is the responsibility of the Title IX Coordinator and/or the Associate Vice President for Student Affairs (or designee). Only that information necessary to provide the accommodation or protective measures in a timely manner will be disclosed when necessary. Every effort will be made to limit access to this information in order to minimize the risk to a Complainant's confidentiality.

Employees may request protective measures and/or accommodations by contacting:

Robert Stoto
Vice President for Human Resources & Affirmative Action/Title IX Coordinator
Moore Library, Room 1
609-895-5683, rstoto@rider.edu

Tom Johnson
Title IX Compliance Officer
Bart Luedeke Center, Room 113B
609-896-5000 ext 7309, tjohnson@rider.edu

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Students may request protective measures and/or accommodations by contacting

Tom Johnson
Title IX Compliance Officer
Bart Luedeke Center, Room 113B
609-896-5000 ext 7309, tjohnson@rider.edu

Cindy Threatt
Associate Vice President for Student Affairs & Dean of Students
Bart Luedeke Center, Room 110
609-896-5101, cthreatt@rider.edu

Christopher Botti
Associate Dean of Students, Westminster Choir College
Student Center, Dean of Students Suite
609-921-7100 ext 8232, cbotti@rider.edu

Department of Public Safety
West House, Lawrenceville campus
Bristol Chapel, Princeton campus
Both campuses: 609-896-5029 (non-emergency); 609-896-7777 (emergency)

Protective Measures Pending Resolution of a Report of a Student Violation of the Policy

No-Contact Orders

The Associate Vice President for Student Affairs (or designee) may issue an administrative directive in the form of a no-contact order if deemed appropriate. The no contact order may include a directive that the Complainant and Responding Party refrain from contacting each other through direct, indirect, electronic or other means or engage in any disruptive conduct pending resolution of the report. The Associate Vice President for Student Affairs (or designee) may also take any further protective action deemed appropriate, in their sole discretion, concerning the interaction of the Complainant and Responding Party pending resolution of the report.

Interim Suspension

When immediate action is necessary to protect the health or safety of any community member or to prevent disruption to the University's learning environment, including students presenting evidence of self-harm, the president or Dean of Students or his/her designee may temporarily suspend a student. (In rare circumstances, a hearing authority may also suspend a student.) The attempted/actual physical abuse or restraint of University personnel or contractors, while acting within the scope of their duties, will also serve as a justification for an interim suspension to be imposed. Within five academic days of the invocation of this suspension, a community standards

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panel must determine whether grounds still exist to warrant continuation of the suspension. If there is a reasonable basis to conclude that the student may be responsible for the activity in question, and there is a possible threat to health and safety, or a threat of disruption of the normal operating procedures, the suspension may be continued. The existence of criminal charges levied by public authorities would, in itself, provide a reasonable basis for continuation. In addition, the hearing authority may review disciplinary history or other relevant information in determining whether to continue a suspension. The “suspension hearing” before the panel does not constitute the original hearing on the merits of the incident in question. However, any evidence presented at the hearing authority may be considered by Investigators or a Hearing Panel in determining whether an AHND Policy violation has occurred. This process may be altered when medical factors are claimed to be associated with the behavior in question. Note: Administrative removal from residency does not require a community standard review hearing.

While under an interim suspension, students are not permitted on either campus for any reason without the express permission of the Associate Vice President for Student Affairs (or designee). Students who have been placed on interim suspension may not participate in co-curricular activities either on or off campus. For the purposes of this provision, co-curricular activities include, but are not limited to, performances, rehearsals, practices, competitions, and club/organization meetings.

When the Interim Suspension has been invoked as a result of a potential violation of the University’s policy on Anti-Harassment and Non-Discrimination, Section 2.10, both the Complainant and respondent will be invited to attend the hearing and offer statements. Once the hearing has been scheduled, it will not be delayed due to extenuating circumstances. All parties can also issue statements through the Department of Public Safety or the Title IX Compliance Officer. All decisions pertaining to modifications will be subject to a review by the Director of Community Standards or his or her designee. This may result in further modifications to ensure the feasibility of the University to ensure compliance with any modifications.

When the Interim Suspension Policy has been invoked and there is reason to believe that the behavior is related to a medical (physical/psychological condition), a hearing will be held as soon as reasonably possible with the Dean of Students, or the Dean’s designee, or a panel appointed by the Dean which may include health professionals. If there is a reasonable basis to conclude that the student may be responsible for the activity in question, and there is a direct threat to the health and safety of others, or the student’s behavior is disruptive to the University’s learning environment, the suspension may be continued. Discontinuance of the suspension, if warranted, may be conditioned on the application of medical treatment or reasonable accommodations agreed upon by the University in consultation with the student, parents/guardians and/or health professionals. If the hearing authority does not remove the suspension, the suspension will be continued indefinitely pending presentation of new information indicating that the threat to the health and safety of others has been removed, that there is no longer a risk the student will be

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disruptive to the University's learning environment, and/or there are reasonable accommodations or treatment is available.

Protective Measures and Assistance Following a Finding of Responsibility of a Student Violation of the Policy

When a Responding Party is found responsible for a violation of this Policy, a no contact order may be issued to the Responding Party that may include a directive that the Responding Party refrain from contacting the Complainant and/or any witnesses through direct, indirect, electronic or other means or engage in any disruptive conduct. The Associate Vice President for Student Affairs (or designee) may also take any further protective action deemed appropriate, in their sole discretion, concerning the interaction of the Complainant and Responding Party.

The Associate Vice President for Student Affairs (or designee) has the authority to take reasonable and prudent measures to protect the Complainant following a finding of responsibility. In addition to a no contact order issued to the Responding Party, protective measures and accommodations may include, where reasonably available:

- changes to academic, work and dining schedules, housing, and transportation
- withdrawal or retaking of a class without penalty
- access to academic support such as tutoring

Protective measures and accommodations are designed to minimize the burden on the Complainant following a finding of responsibility.

Initial Assessment of a Report

The investigative process is initiated when the Title IX Coordinator (or designee) receives a report of an alleged violation of this policy. Upon reviewing the report, the Title IX Coordinator (or designee) will respond to any immediate health or safety concerns raised by the report. The Title IX Coordinator (or designee) will conduct an assessment to determine the appropriate action necessary.

Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the Title IX Coordinator (or designee) determines that the report, even if substantiated, would not rise to the level of a policy violation; the nature and circumstances of the report do not make it appropriate for an investigation; or, after consultation with the complainant about the complainant's preferences regarding participation, the Title IX Coordinator

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determines that there will be insufficient information to investigate the matter, the Title IX Coordinator (or designee) may dismiss the complaint.

- If the Title IX Coordinator (or designee) determines that the complaint is outside the scope of this policy and/or most appropriately handled by another office, the Title IX Coordinator (or designee) may refer the complaint to another office for review.
- If the Title IX Coordinator (or designee) determines that the report would, if substantiated, constitute a violation of this policy, the Title IX Coordinator (or designee) will determine appropriate interim measures and initiate an investigation or mediation process.

Investigating and Resolving Allegations of Employee Violations of the Policy

The University offers both informal and formal procedures for promptly, fairly and impartially investigating and resolving reports of employee violations of the Policy. Informal and formal procedures will be initiated as soon as possible and within five (5) calendar days of the filing of the report, absent any unusual circumstances.

Depending on the nature of the report, the Title IX Coordinator (or designee) will either assign a mediator or investigator as described below. The Title IX Coordinator (or designee) will notify the Responding Party that a report has been filed against them and provide the Responding Party a copy of the report. The Title IX Coordinator (or designee) will explain to both the Complainant and Responding Party the avenues for informal and formal action as appropriate, including a description of the process and the relevant avenues of redress to the Complainant and Responding Party and provide them a written summary of the process. The Title IX Coordinator (or designee) will notify the relevant vice-president/division head and the president of the union (if the Responding Party is a bargaining unit member) as soon as possible after receiving the report and provide the Responding Party, Complainant, the relevant vice president/division head and the union president (when appropriate) with a copy of the report.

All investigations, whether resolved by informal or formal means, will be conducted as expeditiously as possible and normally will be completed within sixty (60) calendar days after receipt of the report, except where other circumstances require it. If and when an extension of the timeframe is required for good cause, written notice will be provided to the Complainant and Responding Party of the delay and the reason for the delay. If a Complainant and/or Responding Party withdraws from the University at any stage of the formal investigation, the University will continue its process as per this Policy.

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Informal Procedures for Employee Violations of the Policy

Mediation is an informal, voluntary process that allows the Complainant and Responding Party involved in an alleged report of discrimination or harassment to discuss their respective understandings of the incident with each other through the assistance of a trained mediator. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Mediation is only offered as an option if both the Complainant and Responding Party are employees of Rider University. Mediation is not appropriate for certain cases, such as alleged sexual assaults, even on a voluntary basis.

Upon the consent of all parties to the report, the Title IX Coordinator (or designee), with relevant supervisors when appropriate, will seek an outcome through mediation to be conducted by University staff or an external professional engaged by the University. Any resolution through mediation also must be mutually agreed upon by all parties to the report. Both the Complainant and Responding Party have the right to bypass or end the informal report process at any time in order to begin the formal stage of the report process.

Records arising from informal procedures will not be used for any purpose other than those described above unless a report subsequently results in a formal hearing or otherwise becomes part of a legal action. Since informal level records represent allegations not supported by formal findings of fact, they will be maintained in a confidential manner separate from any other records for four (4) years. They will be destroyed after that period if no further allegations or formal reports have been received concerning the same individual. Such records shall not be used as evidence of guilt or innocence in any investigation or hearing involving a future report involving the same Responding Party. The Responding Party is entitled to include a response to documents contained in the confidential personnel file(s).

Formal Procedures for Employee Violations of the Policy

If the allegation of harassment has not been resolved as a result of the informal procedures or is of the kind, in the Title IX Coordinator's (or designee) opinion, that is not suitable to informal resolution, or if either the Complainant or Responding Party request to begin the formal report process, a formal investigation will be initiated.

The Responding Party will be afforded fourteen (14) calendar days from the date that the formal investigation was initiated to provide a written response to the allegations. A copy of any response will be provided to the Complainant.

The Title IX Coordinator (or designee) will either investigate the matter or assign the matter to an investigator (in either instance the "Investigator") to promptly, fairly and impartially investigate the report. An investigator is a trained professional staff member of the University community or

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an external professional. Training for professional staff members are provided at least annually on issues including, but not limited to, intimate partner violence, sexual assault and stalking; how to conduct investigations; safety and promoting accountability.

The investigation of all formal reports will include, when appropriate, interviews of the (1) Complainant, (2) the Responding Party, and (3) any witnesses and other persons who are identified as having relevant information and who agree to be interviewed. The Complainant and Responding Party will have the opportunity to identify witnesses and other evidence for consideration. If the Responding Party is represented by a bargaining agent, the Responding Party may have that agent present at any interview with the Investigator.

The Investigator will investigate the allegations and report the results, conclusions and recommended actions, if any, in writing to the Title IX Coordinator (or designee) and the appropriate vice-president/division head. A summary of the report will also be provided to the Complainant and Responding Party. After consulting with the Title IX Coordinator (or designee), the appropriate vice-president/division head will initiate disciplinary action as soon as reasonably practicable, when in their judgment it is appropriate, and will attempt to take whatever steps are necessary to prevent recurrence of the offending behavior and to correct its discriminatory effects on the Complainant and others, if appropriate. The Complainant, Responding Party, and the union president (when appropriate) will be informed of the final decision and any actions to be taken. Disciplinary action may include, but is not limited to, additional mandatory training, documented warning, suspension with or without pay, and termination.

The Responding Party is entitled to include a response to allegations, investigative findings, and documents included in the confidential personnel or student file(s), as the case may be. Implementation of, and challenge to, any disciplinary action will be handled according to applicable procedures, as provided by the relevant collective bargaining agreement.

Appeals of Resolution of Employee Violations

Both the Complainant and Responding Party may appeal the final decision. Either party may appeal by notifying the Title IX Coordinator (or designee) in writing of the specific grounds for the appeal within seven (7) calendar days of the date of the final decision. The non-appealing party has seven (7) calendar days to respond to any written appeal. A non-appealing party is under no obligation to respond to any appeal.

Appeals are limited to the following grounds:

- 1) There were procedural defects or procedural omissions that significantly impacted the outcome of the investigation and final decision. When an appeal alleges a procedural defect or procedural omission in either the investigation process or final decision making process,

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the appeal will be shared with the investigator and/or final decision maker so they may provide a written response for the Appellate Officer to review.

- 2) There exists new evidence which could significantly impact the original finding or sanction that was not known and could not have been known at the time of the original hearing. Minimally, a summary of this new information and its potential impact must be included.
- 3) The sanction was clearly disproportionate to the conduct for which the person was found responsible

All appeals are reviewed by an appellate officer (the “Appellate Officer”) who is a University official designated by the Title IX Coordinator (or designee). The Appellate Officer reviews the record with respect to the grounds for the appeal.

The decision of the Appellate Officer is final. The Appellate Officer’s decision will be issued in writing and simultaneously shared with the Complainant’s and the Responding Party’s with a copy provided to the Title IX Coordinator.

Investigating and Resolving Reports of Student Violations of the Policy

The University offers both informal (mediation) and formal (formal adjudication) procedures for promptly investigating and resolving reports of student violations of the Policy in a fair, unbiased and impartial manner. Mediation is not appropriate for certain cases, such as alleged sexual assaults, even on a voluntary basis.

All investigations, whether resolved by informal or formal means, will be conducted as expeditiously as possible and normally will be completed within sixty (60) calendar days after receipt of the report, except where the Complainant agrees that a longer period of time would be appropriate, or circumstances require it. If and when an extension of the timeframe is required for good cause, written notice will be provided to the Complainant and Responding Party of the delay and the reason for the delay. If a Complainant and/or Responding Party withdraws from the University at any stage of the formal investigation, the University will continue its process as outlined in this Policy.

Mediation is an informal, voluntary process that allows the Complainant and Responding Party involved in an alleged report of discrimination or harassment to discuss their respective understandings of the incident with each other through the assistance of a trained mediator. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Mediation is only offered as an option if both the Complainant and Responding Party are students at Rider University. If either student is less than 18 years of age, the University may require that the minor student’s parent consent in writing to the student’s participation in the mediation. **Mediation is not appropriate for certain cases, such as alleged sexual assaults, even on a voluntary basis.**

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Formal Adjudication is the formal process for investigating reports of student violations of the Policy. A report is formally adjudicated when it involves sexual assault, when the discrimination or harassment report has not been addressed as a result of mediation, or if either the Complainant or Responding Party requests referral to Formal Adjudication as described below. Formal adjudication involves a fact-finding investigation along with a hearing or other related decision-making process to determine if the alleged incident occurred and what actions the University must take in response. A formal investigation is initiated by the Title IX Coordinator (or designee) as the first step in the process.

Mediation

(Informal Procedures for Investigating and Resolving Complaints of Student Violations of the Policy)

Confidentiality of the Mediation Process

In order to promote honest, direct communication and a resolution through mediation, information disclosed in Mediation must remain confidential, except where disclosure may be required as set forth in this Policy, under law or as may be authorized by the Title IX Coordinator (or designee) in connection with responsibilities of the University.

Mediation Process

The mediation process will proceed as follows:

- 1. Initiating Mediation:** In cases where Mediation is appropriate, the Title IX Coordinator (or designee) will discuss with the Complainant and Responding Party whether or not they are willing to participate in Mediation. In addition, the mediation process can be initiated any time prior to the formal adjudication of the case. Both the Complainant and Responding Party must agree to the Mediation in writing.
- 2. Assignment of a Mediator:** Once the Complainant and Responding Party have agreed to Mediation in writing, the Title IX Coordinator (or designee) will appoint a trained and impartial mediator (the “Mediator”) who will mediate the case. The Mediator will be appointed within fourteen (14) calendar days of the agreement of the Complainant and Responding Party to participate in Mediation. The Mediator will contact the Complainant and Responding Party to set the date, time, and location of the mediation session(s).

Mediation Procedures

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- 1. Persons Participating:** Typically, only the Mediator and the Complainant and Responding Party will be participants in the mediation session(s). The Complainant and Responding Party may have an advisor of their choice be present at the mediation session(s) and any related meetings. The advisor may not be an active participant in the mediation session(s). The University may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. See definition of advisor for more information.
- 2. Mediation Process:** During the mediation process, the Mediator normally will: (1) ask the Complainant and Responding Party to give their versions of the incident, including both factual information and their feelings; (2) identify key issues; (3) seek the agreement of both the Complainant and Responding Party on the issues; (4) facilitate discussion; and (5) work with both the Complainant and Responding Party to develop a written document that will include a statement of agreement. No offers of apology or concessions are required to be made during the mediation.

Mediation Outcomes

- 1. Mediation Resolution:** Any statement of resolution by mediation will be incorporated into an agreement (the “Mediation Agreement”), to be signed by both the Complainant and Responding Party, the Mediator, and will be approved by the Title IX Coordinator (or designee) before it takes effect. Any activity or behavior, or prohibition thereof, to which either the Complainant or Responding Party has agreed in the mediation will be included in the Mediation Agreement. Since an individual’s entry into a Mediation Agreement is voluntary, there is no right to appeal by either the Complainant or Responding Party from the terms of the Mediation Agreement once it has been signed by the Complainant and Responding Party, the Mediator, and approved by the Title IX Coordinator (or designee). The approval of the Mediation Agreement by the Title IX Coordinator (or designee) constitutes a directive of the Title IX Coordinator requiring both the Complainant and Responding Party to fully comply with all the terms of the Mediation Agreement. The Mediation Agreement will be kept on file at the Office of the Associate Vice President for Student Affairs. If either the Complainant or Responding Party believes the terms of the Mediation Agreement have not been met by the other individual, they may contact the Title IX Coordinator, who will ask the Mediator or other designated person to investigate the allegation of noncompliance. The Title IX Coordinator (or designee) may take such action as deemed appropriate in response to the investigation of noncompliance with the Mediation Agreement, or at their sole discretion, the matter may be referred to an Investigator, followed by a hearing before a Board, if such further investigation and/or sanctions are warranted.
- 2. Non-Resolution and Referral to Formal Adjudication:** If either the Complainant or Responding Party is dissatisfied with the mediation process at any time prior to the signing

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of a Mediation Agreement, that party may request that the mediation process cease. In such a case, absent an express determination to the contrary by the Title IX Coordinator (whose discretion in such determination is exclusive and final), Formal Adjudication may only be pursued if the request is initiated within one (1) calendar year of the termination of the mediation process provided, however, that for good cause shown as determined in the sole discretion of the Title IX Coordinator, this period of time may be extended. In the event that Formal Adjudication occurs after some part of the mediation process has taken place but prior to any resolution at mediation, only the report form will be forwarded by the Title IX Coordinator (or designee) to the assigned Investigator.

Formal Adjudication

(Formal Procedures for Investigating and Resolving Reports of Student Violations of the Policy)

Timeframe for Formal Adjudication Process

The formal adjudication process for investigating and resolving reports of student violations of the Policy will be conducted as expeditiously as possible and normally will be completed within sixty (60) calendar days after receipt of the report, except where the Complainant agrees that a longer period of time would be appropriate, or circumstances require it. For the purposes of this Policy, the formal adjudication process includes the fact-finding investigation along with a hearing or other related decision-making process to determine if the alleged incident occurred and what actions the University must take in response. If and when an extension of the timeframe is required for good cause, written notice will be provided to the Complainant and Responding Party of the delay and the reason for the delay. If a Complainant and/or Responding Party withdraws from the University at any stage of the formal investigation, the University will continue its process as outlined in this Policy.

The University may need to delay temporarily the fact-finding portion of the investigation if and when law enforcement authorities are gathering evidence. The length of time for evidence gathering by law enforcement authorities will vary depending on the specific circumstances of each case. Protective measures can be pursued during this time. Both the Complainant and Responding Party will be updated on the status of the investigation, including when it is resumed.

Advisors

The Complainant and Responding Party are each permitted to be accompanied by an advisor of their choice to any meeting or disciplinary proceeding (including, but not limited to, fact finding investigations, formal or informal meetings, hearings and/or mediations sessions). An advisor is an individual (friend, parent, attorney or anyone else) who provides the Complainant and

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Responding Party respectively with support, guidance or advice. The advisor is not permitted to be an active participant in meetings or disciplinary proceedings. The University may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. It is the responsibility of the Complainant and Responding Party to provide notice of meetings or disciplinary proceedings to their respective advisor. Meetings and/or disciplinary proceedings generally will not be canceled or delayed because an advisor could not be present. However, reasonable requests to reschedule based on compelling circumstances may be considered.

Investigation

Confidentiality of the Investigation

In order to comply with laws and regulations protecting education records of students and to provide an orderly process for the determination and consideration of relevant evidence without undue intimidation or pressure, the investigation findings are confidential. Investigation findings may not be disclosed except as described below or as required or authorized by law or as may be authorized by the Title IX Coordinator (or designee) in connection with responsibilities of the University.

Investigation Process

The investigation process will proceed as follows:

- 1. Assignment of Investigator:** The Title IX Coordinator (or designee) will assign the matter to a trained investigator or investigators (the “Investigator”) to promptly, fairly and impartially investigate the report. Investigator training is provided at least annually on issues including, but not limited to, dating violence, domestic violence, sexual assault and stalking; how to conduct investigations; protecting safety of all individuals involved, and promoting accountability.
- 2. Conduct of the Investigator:** The Investigator will promptly, fairly and impartially investigate the report. The Investigator may not privately discuss the facts or merits of the case with the Complainant or Responding Party or with anyone acting on behalf of the Complainant or Responding Party. The Title IX Coordinator (or designee) will provide the Investigator with a written copy of the report and any other supporting material.

Investigation Procedures

- 1. Initiation of the Investigation:** The Title IX Coordinator (or designee) will notify the Complainant and Responding Party, in writing, of the commencement of an investigation

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under the AHND Policy. Such Notice shall (1) identify the Complainant(s), when the Complainant is otherwise not anonymous, and the Responding Party(ies); (2) specify the date(s)(if known), time(s) (if known), location(s), and nature of the alleged violation(s); (3) identify potential Policy violation(s); (4) identify the Investigator(s); (5) inform the parties of the right to choose and consult with an advisor, who can accompany the parties to any meeting or hearing under the Policy; (6) explain the prohibition against Retaliation; (7) instruct the parties to preserve any potentially relevant evidence in any format; and (8) provide the parties with a copy of the Policy. Note the Department of Public Safety’s contemporaneous response to an incident and any information or statements collected by the Department of Public Safety in response to an incident shall be considered by the Title IX Coordinator (or designee) as part of a determination to initiate an investigation. Both parties will be afforded seven (7) calendar days in which to provide a written response to the Notice of Investigation. A copy of this response will be provided to investigators and will be included in the final investigation report. During this seven (7) day period, the investigation may proceed forward.

- 2. Interviews:** The investigation will include, where permissible, interviews of (1) the Complainant, (2) the Responding Party, and (3) any witnesses and other persons who are identified as possibly having relevant information related to the allegation, and who agree to be interviewed. The investigation also will include a review of relevant documentation and other information the Investigator deems relevant.

Investigation Outcomes

- 1. Investigation Report:** The Investigator will prepare a written report (the “Investigation Report”) concerning the results of the investigation. The Investigation Report will be distributed to the Complainant, the Responding Party, and the Title IX Coordinator (or a designee). If a Board hearing is held, the Board will also be provided with a copy of the Investigation Report. Both parties may respond in writing to the Investigation Report within seven (7) calendar days of the delivery date of the Investigation Report. Any response will be delivered to the Title IX Coordinator (or designee) for review.
- 2. Determination of Charges:** The Title IX Coordinator (or designee) reviews the Investigation Report and any response, consult with the Investigator, and make a determination of whether sufficient facts exist to warrant a Formal Hearing. The Title IX Coordinator (or designee) also will determine what charges (e.g., “Discrimination,” “Non-consensual Sexual Contact,” “Non-Consensual Sexual Penetration,” or other forms of “Sexual Harassment” or other “Harassment,” or “Intimate Partner Violence” or “Stalking”), if any, will be referred for a Formal Hearing. That determination will be communicated in writing to the Complainant and Responding Party in the form of the Notice of Charges or other written communication as appropriate.

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A Complainant whose request for Formal Adjudication is denied may appeal that denial to the Title IX Coordinator (or designee) within five (5) calendar days. The Title IX Coordinator (or designee) will then review the report and the Investigator's report and all other available case material. The decision of the Title IX Coordinator (or designee) on the appeal is final and not the subject of further appeal.

- 3. Notice of Charges:** If a Formal Hearing is deemed necessary, the Office of Community Standards will commence the hearing process by providing written notice to the respondent ("Notice of Charges") stating: (1) the nature of the complaint; (2) the offense alleged (including references, as applicable, to the Standards of Conduct allegedly violated); (3) the name of the Complainant; (4) the date, time and place of the Formal Hearing; (5) the date, time, and place of the pre-hearing meeting at which preliminary matters will be discussed as outlined in the "Pre-Hearing Meeting(s) and Determination of Witnesses" section that follows; and (6) the names of the Board members (the "Board"), including the presiding chair. The Notice of Charges is mailed to the respondent's current local or other address on record with the University and is considered effective three (3) calendar days after such mailing or otherwise when actually received by the respondent, whichever occurs first. The Notice of Charges is simultaneously mailed to the Complainant's current local or other address on record with the University along with the date, time, and place of a separate pre-hearing meeting at which preliminary matters will be discussed.

- 4. Request to Terminate the Investigation:** Upon mutual consent, the Complainant and Responding Party may seek to terminate a formal investigation, but the Title IX Coordinator (or designee), in consultation with the Investigator, may nevertheless determine, in his judgment and discretion, that the interests of the University community require the continuation of the formal investigation.

Formal Hearing

A Formal Hearing before the Student Anti-Harassment and Non-Discrimination Board (the "Board") results if and when charges are determined by the Title IX Coordinator (or designee) as a result of the Investigation.

The Formal Hearing must take place not more than fourteen (14) calendar days after delivery of the Notice of Charges to the Responding Party, unless the Board Chair, in their sole discretion, allows for a longer period of time.

If a report is filed within sixty (60) calendar days of the Responding Party's intended graduation, during a University recess or Summer Session, or in other circumstances where the Title IX Coordinator (or designee) determines that the report cannot otherwise be resolved in a timely manner, procedural options may be limited. In particular, a Formal Hearing under these

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circumstances may instead take the form of an administrative hearing by a designated Student Affairs employee appointed by the Title IX Coordinator (or designee).

Confidentiality of the Formal Hearing Process

In order to comply with laws and regulations protecting education records of students and to provide an orderly process for the presentation and consideration of relevant evidence without undue intimidation or pressure, the hearing process before the Board is confidential and is closed to the public. Documents prepared in anticipation of the hearing (such as the Investigator's report, the Notice of Charges, or any written pre-hearing submissions), documents, testimony, or other evidence introduced at the hearing; or any transcript of the hearing itself, may not be disclosed except as required or authorized by law or as may be authorized by the Title IX Coordinator (or designee) in connection with responsibilities of the University.

Hearing Process

The hearing process shall proceed as follows:

Composition and Purpose of the Board

- 1. Composition of the Board:** The Board will be composed of three (3) impartial and trained, professional staff members of the University community. The Title IX Coordinator (or designee) designates one Board member to serve as the presiding chair of the Board (the "Board Chair"). Board member training is provided at least annually on issues including, but not limited to, dating violence, domestic violence, sexual assault and stalking; how to conduct investigations and hearings; protecting the safety of all individuals involved, and promoting accountability.

- 2. Challenge of Board Member:** A Complainant or Responding Party wishing to challenge the participation of any Board member must notify the Board Chair and the Title IX Coordinator (or designee) in writing, stating the reason(s) for the party's objection. Such a challenge must be made in writing and delivered to the Board Chair and the Title IX Coordinator at 2083 Lawrenceville Road, Lawrenceville, New Jersey 08648-3099, Moore Library Room 108, or by email within seven (7) calendar days of the mailing of the Notice of Charges to the Responding Party and Complainant in the manner set forth in the Notice of Charges section. Except with respect to challenges to the participation of the Board Chair, the Board Chair determines whether the challenge has merit and reserves sole discretion to make changes in the Board's composition at all times. In the event of a challenge to the participation of the Board Chair, the Title IX Coordinator (or designee) determines whether the challenge has merit and reserves sole discretion to appoint another Board member or other person as the Board Chair for a given hearing.

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- 3. Conduct of the Board:** The Board will seek to encourage an open exchange of information within the rules of confidentiality articulated in these procedures. While the Board's procedures are designed to ensure due process for the Complainant and Responding Party, the Board is not bound by the rules of criminal or civil procedures that govern judicial proceedings in court. Board members will serve as impartial fact finders and not as advocates for either the Complainant or Responding Party. Once an individual has been named to the Board, they may not privately discuss the facts or merits of the case with the Complainant or Responding Party or with anyone acting on behalf of either the Complainant or Responding Party. The Board Chair will provide Board members with a copy of the Notice of Charges, the Investigation Report, the incident report, written statements, and list of witnesses and documents or other evidence submitted by the Complainant and Responding Party in advance of the hearing date.

Pre-Hearing Procedures

- 1. Pre-Hearing Submissions:** No less than seven (7) calendar days prior to the hearing date, the Complainant and Responding Party must provide the Board Chair with brief written statements describing their positions, a list of witnesses they propose to call, and copies of documents and a description of any other evidence they propose to present at the hearing. The Board Chair provides a copy of such written statements and documents to the other party as set forth below. In the absence of good cause as determined by the Board Chair in their sole discretion, the Complainant and Responding Party may not introduce witnesses, documents, or other evidence at the hearing that were not timely provided to the Board Chair as set forth above. The Complainant and Responding Party are also responsible for securing the attendance of their proposed witnesses at the hearing.
- 2. Pre-Hearing Meeting(s) and Determination of Witnesses:** The Board Chair (or designee) will seek to schedule one or more pre-hearing meeting(s) with the Complainant and Responding Party, either jointly or separately at the sole discretion of the Board Chair (or designee), no less than three (3) calendar days prior to the hearing date. At the meeting(s), the Board Chair (or designee) will review hearing procedures with the Complainant and Responding Party. The Board Chair (or designee) will also review the list of proposed witnesses to assist the Complainant and Responding Party in eliminating redundant testimony. At the pre-hearing meeting(s), the Board Chair (or designee) will provide the Complainant and Responding Party with a copy of the written statement, list of witnesses, and identification or copies of documents or other evidence submitted by the other individual. The Complainant and Responding Party may be accompanied by their respective advisors at any pre-hearing meeting(s).

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Hearing Procedures

- 1. Hearing Moderator:** The Title IX Coordinator (or designee) may designate an administrator to act as a hearing moderator to be present at a hearing to control the hearing and ensure the hearing follows procedural guidelines. The moderator will be impartial and has no interest or input in the outcome of the hearing.

- 2. Persons Participating:** Typically, the Complainant and Responding Party, their respective advisors, the University's counsel, the Board members and a moderator are the only individuals present at the hearing. The Complainant and Responding Party may have an advisor of their choice present at the hearing and any related meetings. Advisors are not permitted to address the Board, examine witnesses or otherwise directly participate in the hearing on behalf of either party. The University may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. See definition of advisor for more information.

Should either the Complainant or Responding Party fail to appear at the scheduled hearing, the Board Chair may postpone the proceedings or the Board may proceed and determine the report on the basis of the evidence presented, provided the absent party was duly notified in advance of the scheduled hearing date as outlined above. The Complainant and Responding Party are not required to be present at the hearing. However, the exercise of that right does not preclude the Board from proceeding and determining responsibility on the basis of the facts and circumstances presented. If requested, the University will make arrangements such that the Complainant and Responding Party are not present in the same room at the same time as part of the hearing.

- 3. Recording:** The Board Chair will arrange for the hearing to be audio-recorded.

- 4. Conduct of the Hearing:** The hearing before the Board will not follow a courtroom model. The Board Chair will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. Absent extraordinary circumstances, the Investigator will not testify at the hearing unless approved by the Board Chair upon finding that the Investigator may have material information that cannot otherwise be provided to the Board. The Complainant and Responding Party will not be expected to repeat undisputed details or non-material circumstances that would merely duplicate the written materials. The Board, in its discretion, may seek to have other persons speak at the hearing. Only the Board Chair and the Board may question the Complainant, Responding Party, and any witnesses. However, the Complainant and Responding Party may ask the Board Chair to pose additional questions or inquire further into specific matters by submitting these requests in writing. If necessary, a brief recess may be granted to allow the Complainant and Responding Party an opportunity to prepare and submit such requests. The Board Chair is empowered to disallow any questions that are irrelevant or redundant. After all witnesses

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have been questioned, the Complainant and Responding Party may make a closing statement and request a short recess to prepare their statement(s). If the Board determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the Board Chair may recess the Board hearing and reconvene it for the presentation of additional evidence in a timely manner. A recess may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other evidence that should have been presented at the pre-hearing meeting(s).

- 5. Impact Statement:** During the hearing, the Complainant may present the Board with a statement recommending a sanction (“Impact Statement”). The Responding Party will be provided an opportunity to respond to the Impact Statement. The Board is not bound by these statements in determining responsibility or the sanction. Witnesses other than the parties normally are not permitted at the Impact Statement phase of the hearing; however, the Board Chair reserves the sole discretion to authorize the presence of other persons.

Hearing Outcomes

- 1. Standard for Responsibility Finding:** All decisions by the Board will be made by majority vote. The Board first determines whether the Responding Party is responsible for the alleged violation(s) of the Policy (the “Responsibility Finding”), and then, if appropriate, determine by majority vote the sanction to be imposed Responding Party (the “Sanction Finding”). A finding of responsibility must be supported by a “preponderance of the evidence.” “Preponderance of the evidence” means that the University establishes that it is more likely than not that the Responding Party is responsible for committing the act or acts complained of.
- 2. Sanction Findings:** After the Board has made a Responsibility Finding, the Board may impose any sanction that it finds to be fair and proportionate to the violation and in the interests of the University community, including the Responding Party and Complainant, and that is authorized for violations of the Student Code of Conduct (the “Sanction Finding”), including disciplinary probation, suspension, and expulsion. In determining an appropriate sanction, the Board may consider any record on the part of the Responding Party of past violations of the Student Code of Conduct, as well as the nature and severity of the violation(s) and any mitigating circumstances. The Board will consider as part of its deliberations whether the Responding Party poses a continuing risk to the Complainant and/or University community. The University expects all cases involving a finding of sexual assault to involve consideration of the sanctions of suspension or expulsion. Any sanction imposed is based on a majority vote of the Board. All Sanction Findings require a finding that the sanction to be imposed is warranted by a preponderance of the evidence.

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- 3. Sanction Levels:** In instances involving student violations of the Policy, the charge(s) will correspond with the following sanction ranges, based on the severity of the alleged violation(s):
- a. Non-Consensual Sexual Penetration (Level 1 to Level 3)
 - b. Non-Consensual Sexual Contact (Level 1 to Level 3)
 - c. Sexual Harassment (Level 1 to Level 3)
 - d. Sexual Discrimination (Level 1 to Level 3)
 - e. Intimate Partner Violence (Level 1 to Level 3)
 - f. Stalking (Level 1 to Level 3)
 - g. Sexual Exploitation (Level 1 to Level 3)
 - h. Harassment/Discrimination (Level 1 to Level 4)

The above-referenced sanction ranges correspond with the sanction levels found in the University's Student Code of Social Conduct. For purposes of any sanction finding under this Policy, a preponderance of the evidence standard will be utilized.

- 4. Effective Date of Sanction:** Sanctions imposed by a Board are not effective until any timely administrative appeal of the decision by the Complainant and/or Responding Party is completed. However, if advisable to protect the welfare of the Complainant or the University community, the Board may include in its Determination Letter that any probation, suspension, or expulsion is effective immediately and will continue in effect until such time as the Title IX Coordinator (or designee) may otherwise determine in their sole discretion. The Title IX Coordinator (or designee) may suspend the Board's determination pending exhaustion of an appeal or allow the Responding Party to attend classes or participate in other University activity(ies) on a supervised or monitored basis. The decision(s) of the Title IX Coordinator (or designee) in this regard is in their sole discretion and is not appealable. Any interim measures, no contact orders, or other administrative actions imposed prior to the hearing will remain in place during the appeal process unless otherwise notified.
- 5. Determination Letter:** Within ten (10) calendar days following the hearing, or such longer time as the Board Chair may for good cause determine, the Board will issue its decision in writing (the "Determination Letter"). The Determination Letter will be simultaneously mailed to the Complainant's and the Responding Party's official university email address

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with a copy provided to the Title IX Coordinator. (Should there be any change to the hearing result prior to the time it becomes final, the Complainant and Responding Party will also be notified simultaneously in writing.) The Determination Letter will contain the following information: (1) the name of the Responding Party; (2) whether the Responding Party has been found responsible or not responsible of the charges; (3) the sanction imposed, if any; (4) the rationale for the Board's finding as to responsibility and, if appropriate, the rationale for the sanction imposed; and (5) procedures for filing an appeal. University policy neither encourages nor discourages further disclosure of the Determination Letter by either the Complainant or Responding Party. The University encourages a student who wishes to disclose the Determination Letter to any other person to consult with legal counsel before doing so.

- 6. Early Resolution:** The Board Chair may propose a resolution of a report and request for Formal Hearing, with the consent of the Complainant, at any time in cases where the Responding Party wishes to acknowledge responsibility for the acts of discrimination/harassment (including, but not limited to, non-consensual sexual penetration, non-consensual sexual contact, or sexual harassment) and the Responding Party agrees to be subjected to a sanction.

Appeal

The Complainant and Responding Party each may appeal the Board's decision by notifying the Title IX Coordinator (or designee) in writing of the specific grounds for the appeal within seven (7) calendar days of the date of the Board's decision. The non-appealing party has seven (7) calendar days to respond to any written appeal. A non-appealing party is under no obligation to respond to any appeal.

Appeals are limited to the following grounds:

- 1) There were procedural defects or procedural omissions that significantly impacted the outcome of the original hearing. When an appeal alleges a procedural defect or procedural omission in either the investigation or hearing process, the appeal will be shared with the investigator(s) and/or chair of the hearing board so they may provide a written response for the appellate board to review.
- 2) There exists new evidence which could significantly impact the original finding or sanction that was not known and could not have been known at the time of the original hearing. Minimally, a summary of this new information and its potential impact must be included.
- 3) The sanctions fall outside the range of sanctions the University has designated for this offense

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All appeals are reviewed by an appellate panel (the “Appellate Panel”) consisting of three (3) impartial and trained University officials designated by the Title IX Coordinator (or designee). The Appellate Panel reviews the record presented to the Board with respect to the grounds for the appeal.

The decision of the Appellate Panel is based on a majority vote and that decision is final. The Panel’s decision will be issued in writing and simultaneously shared with the Complainant’s and the Responding Party’s with a copy provided to the Title IX Coordinator.

Violation Levels and Consequences for Students

Any Rider University student who engages in any act or conduct proscribed in this Policy may, upon finding of responsibility by the appropriate hearing authority, be subject to one or more of the following consequences.

Violation Levels

For every allegation of misconduct, with the exception of the Alcohol Policy, which has its own sanctioning guidelines, the University assigns a corresponding level of violation. Levels, ranging from 1 (most serious) to 5 (least serious), indicate the alleged seriousness of a violation. Levels also dictate consequences that may be imposed if a student is found responsible for misconduct. The hearing authority ultimately determines a level of responsibility. A student may be charged at one level by the Community Standards administrator and the standards board or other hearing authority may find responsibility at a different level. Hearings are intended to allow a student to dispute the level of violation in addition to responsibility. Mitigating factors shall be taken into account by all hearing authorities, along with all relevant circumstances, in determining the appropriate consequence(s) to be assigned at that level.

Level 1:

- a. The student may be expelled from the University indefinitely and possibly permanently.
- b. The student must be dismissed for a minimum of one year.
- c. As with any other separation from the University, students wishing to return to Rider must re-apply for admission to the Dean of Students. Students found responsible at this level are not entitled to a refund of tuition or housing costs.

Level 2:

- a. The student may be dismissed from the University for a period not to exceed one year.

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- b. If the option in “a” above is not warranted, then the hearing authority must remove the student from residency on campus and impose restrictions on that student’s access to campus areas. In the case of a commuter, the student shall be restricted from entry into non-academic buildings.
- c. As with any other separation from the University, suspended students wishing to return to Rider must re-apply for admission to the Dean of Students. In the case of removal from residency, students must apply for housing to the director of residence life. Students found responsible at this level are not entitled to a refund of tuition or housing costs.
- d. The student may be put on disciplinary probation for a specific time period. The hearing authority may impose any other consequence(s), other than dismissal, which it considers applicable including but not limited to, delay of diploma, non-attendance at commencement ceremonies, disallowance from entry to campus buildings or areas, loss of group recognition, recommended loss of Greek charter, personal counseling, community restitution, financial restitution, assigned tasks, etc.
- e. In every case at this level, except when dismissal is mandated, a fine of not less than \$75 but not greater than \$200 must be imposed. The fine may be per person when appropriate.

Level 3:

- a. The student’s residency status may be terminated or altered, and they may be restricted from areas on campus. A commuter student may be restricted from some campus buildings or areas. In the case of removal from residency, the student(s) must apply for housing to the director of residence life. In the case of a commuter student, they shall be restricted from non-academic areas and unable to attend campus-wide events.
- b. Students found responsible at this level are not entitled to a refund of housing costs.
- c. In addition to option “a,” a student may be put on disciplinary probation for a period of time.
- d. If the options in “a” and “b” above are not warranted, then the hearing authority shall impose a consequence of community restitution hours, or social restrictions for a specified time, during which certain privileges may be revoked including, but not limited to, ability to participate in extracurricular activities, ability to attend or sponsor events such as intramurals or Greek Week, ability to use campus facilities, etc. It may also impose any other consequence(s) which it considers applicable including, but not limited to, non-attendance at commencement ceremonies, assigned tasks, participation in counseling, etc.

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Note: A violation of the Alcohol Policy at this level requires participation in the Alcohol Education Program.

- e. In every case, at this level a fine of not less than \$30 but not greater than \$100 must be imposed. The fine may be per person when appropriate.

Level 4:

- a. The student may have social restrictions imposed for a specified period during which certain privileges may be revoked which include, but are not limited to, participation in intramurals, Greek Week, or other social events, ability to visit other buildings or use certain facilities, etc.
- b. If the options in “a” above are not warranted, then the hearing authority must include a warning to the student regarding future violations. It may also impose any other consequence(s), excluding those in “a” above, which it considers applicable, including, but not limited to, restitution, assigned tasks, community restitution hours, participation in counseling. Note: A violation of the Alcohol Policy at this level requires participation in Alcohol Education Program.
- c. In every case at this level, a fine of not less than \$20 but not greater than \$50 must be imposed. The fine may be per person when appropriate.

Level 5:

- a. The hearing authority must impose a consequence of a general warning in the student’s file. It may also impose any other consequence(s) which it considers applicable, including but not limited to, community or financial restitution, assigned tasks, participation in the Alcohol Education Program, etc.
- b. In every case at this level, a fine not greater than \$25 must be imposed. The fine may be per person when appropriate.

Consequences

- **Expulsion** – Permanent termination of student status.
- **Dismissal** – Temporary separation of student from University. Such action may be deemed appropriate as a consequence for more serious or repetitious violation of campus regulations. Dismissal shall not be construed as a permanent separation from the community and conditions of readmission (if any are ordered) shall be stated in the hearing

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authority's decision. Students dismissed for violations of University policy are considered eligible for readmission to the University, and must apply for readmission through the Dean of Students Office prior to their anticipated return date.

- **Removal from Residence** – Requirement that the housing contract of the individual with the University be voided and that the individual be removed from the residence halls within five days of the date of the hearing. Note: Removal from residency may occur at the discretion of the Associate Dean of Residential Programs, consistent with the University Housing agreement, for failure to comply with all applicable rules and regulations of the University exclusive of any community standards process.
- **Alteration of Residence Status** – Requirement that the residence location of the student be changed by the Residence Life Office within five days of the date of the hearing.
- **Disciplinary Probation** – Time period during which any future violations will likely result in either removal from residency or suspension from the University depending on the offense and the student's community standards history.
- **Social Restrictions** – Restrictions from specific privilege(s), extracurricular activities, campus event(s), contact with person or organization, etc.
- **Campus Restrictions** – Restrictions from being present in campus buildings or areas.
- **Community Restitution** – Activities or actions designed to return to the community a portion of the goodwill that was taken away by the commission of the violation. Service to the community should be designed to better the social and/or physical environment of the University and its surrounding community.
- **Financial Restitution** – Reimbursement for damage to or misappropriation of property. Restitution may take the form of appropriate services to compensate for damages.
- **Fines** – Monetary amounts imposed within the limits defined.
- **Referral to Appropriate Counseling Services.**
- **Administrative Directive** – A statement, written, oral, or as part of a University policy, from an administrator of the University to be complied with by student(s). May require refraining from conduct or completing an act.

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- **Alcohol Education Program** – Includes alcohol education class, an online program, and other educational activities to be determined by the Alcohol/Drug & Sexual Assault Prevention Education Coordinator (ASAP).
 - **Warning** – Notice to the student, in writing, that continuation or repetition of the conduct found wrongful within a period of time as stated in the warning, may be cause for more severe disciplinary action.
 - **Other consequences as warranted.**

Primary Prevention Programs and Ongoing Prevention and Awareness Campaigns

As defined by federal regulation, primary prevention programs are programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Ongoing prevention and awareness campaigns are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

The University's primary prevention programs and ongoing prevention and awareness campaigns cover the following:

- The University's prohibition of all forms of discrimination, harassment, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking.
- The University's Anti-Harassment and Non-Discrimination Policy, including a discussion on what it covers, how it works, the definitions of consent and policy violations, and the University's obligation to promptly report, and fairly and impartially investigate and resolve all reports of that policy.
- Bystander intervention strategies which are safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.
- Risk reduction information, which includes options designed to decrease perpetration and bystander inaction and to increase empowerment for victims/survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence.

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Provision of the University's primary and ongoing prevention and awareness programs for students and employees is the joint responsibility of the Title IX Coordinator, Associate Vice President for Student Affairs, Director of Public Safety, and the Alcohol/Drug & Sexual Assault Prevention Education Coordinator (ASAP).

Primary Prevention Programs

Rider University conducts annual primary prevention programs regarding sexual assault, domestic violence, dating violence and stalking for all new students, faculty, staff and administrators. The programs occur as follows:

- At new student orientation during the summer and fall prior to the start of the academic year. Additionally, all new first year and transfer undergraduate students complete an online education program.
- At new faculty orientation held each summer prior to the start of the academic year.
- At new employee orientation held throughout the year.

Ongoing Prevention and Awareness Campaigns

The University also conducts ongoing prevention and awareness campaigns for all students, faculty, staff and administrators as follows:

Faculty, Staff and Administrators

- Annual notification of the Policy and available resources.
- Annual training for Public Safety, Student Affairs, Residential Programs and Athletic staff.
- Annual training for University faculty and staff who serve as investigators, mediators and hearing board and Appellate Panel members for addressing allegations of violations of the University's Anti-Harassment and Non-Discrimination Policy. This training includes, but is not limited to, dating violence, domestic violence, sexual assault and stalking; how to conduct investigations and hearings; protecting individual safety and promoting accountability.
- Annual training for freshman seminar coordinators.
- Training for all other faculty and staff via regularly scheduled or special department and divisional meetings:

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Students

- Annual notification of the Policy and available resources.
- Annual orientation for all new and returning student-athletes prior to the start of each academic year.
- Annual training provided to sororities and fraternities, students clubs and organizations and to resident students via residence hall and other programming on both campuses.
- Campus-wide events such as It's On Us Campaign, Stalking Awareness, The Clothesline Project, Rider Cash Cab, The Vagina Monologues, Denim Day, These Hands Don't Hurt, Sexual Assault Awareness Month (April), Domestic Violence Awareness Month (October) and Safer Spring Break Awareness Week.

New Jersey Campus Sexual Assault Victim's Bill of Rights

NJSA18A:61E-1 et.seq.

Introduction

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the college community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. Respect for the individual and human dignity is of paramount importance in creating a community free from violence, sexual assault and non-consensual sexual contact.

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

Bill of Rights

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The following rights shall be accorded to victims of sexual assault that occur:

- on the campus of any public or independent institution of higher education in the state of New Jersey, and
- where the victim or alleged perpetrator is a student at that institution, and/or
- when the victim is a student involved in an off-campus assault.

Human Dignity Rights:

- to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy
- to have any allegations of sexual assault treated seriously; the right to be treated with dignity
- to be free from any suggestion that victims are responsible for the commission of crimes against them
- to be free from pressure from campus personnel to:
 - report crimes if the victim does not wish to do so
 - report crimes as lesser offenses than the victim perceives the crime to be
 - refrain from reporting crime
 - refrain from reporting crimes to avoid unwanted personal publicity.

Rights to Resources on and off Campus:

- to be notified of existing campus and community based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities
- to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling
- to be informed of and assisted in exercising:

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- any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy
- any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

Campus Judicial Rights:

- to be afforded the same access to legal assistance as the accused
- to be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused
- to be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

Legal Rights:

- to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- to receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

Campus Intervention Rights:

- to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants
- to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

Statutory Mandates:

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- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation
 - Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document
 - Nothing in this act or any *Campus Assault Victim's Bill of Rights* developed in accordance with the provisions of this act, shall be construed to preclude or in any way restrict any public or independent institution of higher education in the State from reporting any suspected crime or offense to the appropriate law enforcement authorities.

Resources

Rider University Resources

- **Student Health Center (Confidential)**
Poyda C 1st floor, Lawrenceville campus; 609-896-5060 weekdays
Taylor Hall, Princeton campus; 609-721-7100, x8222 weekdays
- **Counseling Center (Confidential)**
Zoerner House, Lawrenceville campus; 609-896-5157 weekdays
Williamson Hall, Princeton campus 609-921-7100, x8275
- **Title IX Coordinator/Vice President for Human Resources & Affirmative Action**
Robert Stoto
Moore Library, Room 108; 609-895-5683; rstoto@rider.edu
- **Title IX Compliance Officer**
Tom Johnson
Bart Luedeke Center, Room 113B; 609-895-5000 ext 7309; tjohnson@rider.edu
- **Division of Student Affairs**
Cindy Threatt, Associate Vice President for Student Affairs & Dean of Students
Bart Luedeke Center, Lawrenceville campus; 609-896-5101
Christopher R. Botti, Associate Dean of Students
Scheide Student Center, Princeton campus; 609-921-7100, ext 8263
- **Department of Public Safety**
West House, Lawrenceville campus
Bristol Chapel basement, Princeton campus

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Both campuses: 609-896-5029 (non-emergency); 609-896-7777 (emergency)

- The Alcohol/Drug & Sexual Assault Prevention Education Coordinator (ASAP)
Susan Stahley, MSW
Student Health Center; 609-895-5721;
sstahley@rider.edu; asap@rider.edu; www.facebook.com/RUASAP; Twitter: @RUASAP

- Student Financial Services
Bart Luedeke Center, 2nd floor, Lawrenceville campus
Williamson Hall, lower level, Princeton camp
Both campuses: 1-800-257-9026; finaid@rider.edu

Community Resources

- Womanspace: 24-hour crisis center and information hotline 1860 Brunswick Ave., Lawrenceville, NJ 08648, 609-394-9000

Trained and sensitive counselors and advocates are available on the phone and in person to help the victim through the process and, at the victim's request, will accompany them to the hospital, police station, or Public Safety office. All contact with Womanspace is confidential.

- NJCASA (NJ Coalition Against Sexual Assault): 3150 Brunswick Pike, Suite 230, Lawrenceville, NJ 08648, 609-631-4450, info@njcasa.org, 24-hour statewide hotline: 800-601-7200

- 2NDFLOOR: www.2ndfloor.org; 1-888-222-2228 or text at 908-280-0235 (4 – 8 p.m.)
2NDFLOOR is a confidential service and hotline for New Jersey youth and young adults

- Central Jersey Legal Services (for legal, visa and immigration related assistance): 198 West State Street, Trenton, NJ 08608, 609-695-6249

- CONTACT: Call/text to speak with highly trained, compassionate listener; Suicide Prevention Lifeline: Call anytime 1 (800) 273-TALK (8255) / 1(800) 273-8255, Lifeline Crisis Chat: crisischat.org or suicidepreventionlifeline.org, 6xtToday: Text 609-488-4898 Tuesday & Thursdays, 6:30-9:30pm

- Lawrence Township Police Department, 2207 Lawrenceville Rd., Lawrenceville, NJ 08648, 609-896-1111 or 911 in an emergency

- Princeton Police Department, 1 Valley Rd., Princeton, NJ 0854, 609-921-2100 or 911 in an emergency

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A uniformed officer would respond to meet with the Complainant to file a police report. At that time a determination would be made as to whether or not additional resources are needed i.e. detectives, evidence collection and the Mercer County Prosecutor's Office. A person could be transported to a medical facility for a forensic examination, at no cost to the individual, and asked to provide a typed written statement at the local police department.

Hospitals

- Capital Health, Regional (Helene Fuld)
750 Brunswick Ave., Trenton, NJ 08638, 609-896-6000
- Capital Health
1 Capital Way, Pennington, NJ 08534, 609-303-4000
- Penn Medicine Princeton Medical Center
1 Plainsboro Rd., Plainsboro, NJ 08536, 609-853-7000
- Robert Wood Johnson University Hospital
1 Hamilton Health Place, Hamilton, NJ 08690, 609-584-6666

Other Resources

- Employee Assistance Program at Rider University provided by Princeton Employee Assistance Program, 1-800-527-0035; www.princetonhcs.org/eap Free, confidential 24/7 telephone, online and face-to-face support for Rider employees regarding relationships, life changes and challenges, and other issues.
- FORGE, www.forge-forward.org; AskFORGE@forge-forward.org; 414-559-2123. FORGE provides support for transgender and gender non-conforming individuals.
- LIFEWIRE, www.lifewire.org; 1-800-827-8840 or 425-746-1940 (24/7 crisis lines). LIFEWIRE addresses domestic violence issues in the LGBT community.
- Sexual Assault Support and Help for Americans Abroad, <http://pathwaystosafety.org>
- National Dating Abuse Hotline, www.loveisrespect.org; 1-866-331-9474; 1-866-331-8453 (TTY).

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- National Domestic Violence Hotline (NDVH), www.ndvh.org; 1-800-799-SAFE (7233); 1-800-787-3224 (TTY). NDVH provides support as well to the LGBTQ community at www.thehotline.org/is-this-abuse/lgbt-abuse.
 - Rape, Abuse & Incest National Network (RAINN) Hotline, www.rainn.org; 1-800-656-HOPE (4673). RAINN offers confidential assistance 24 hours a day, 7 days/week. RAINN also offers assistance to men at www.rainn.org/get-information/types-of-sexual-assault/male-sexual-assault.
 - 1 in 6.org at <https://1in6.org> provides support to men who have had unwanted or abusive sexual experiences in childhood.
 - Crisis Text Line: The Crisis Text Line is a free 24/7 support for those in crisis. Text 741741 from anywhere in the USA to text with a trained Crisis Counselor. <http://www.crisistextline.org/how-it-works>

If you have experienced sexual, intimate partner violence or stalking, get help as soon as possible.

- **Get to a safe place.**
- **Call someone you trust.** No matter how late it is, you should not be alone. Call a friend, a family member or someone else you trust and ask them to stay with you.
- **Get immediate medical attention** for possible injuries, sexually transmitted diseases, and pregnancy. Even if you think that you do not have any physical injuries, you should still have a medical examination and discuss the possibility of sexually transmitted infections with a medical provider. If you are female, you can prevent pregnancy by taking emergency contraceptive pills within 72 hours of the assault. See page 69 of this booklet for information regarding area hospitals. Or visit Rider's Student Health Center Monday – Friday 8:30 a.m. – 4:30 p.m.
- **Contact the Department of Public Safety** (609-896-5029) if you would like to be transported to a hospital for examination.
- **Do not clean up.** It may be difficult to keep from cleaning yourself up, but if you do, you may destroy evidence that could be useful should you decide to report the assault to the police.
- **Preserve all physical evidence.** Do not bathe, shower, douche, eat, drink, smoke, or urinate, if possible. Save all of the clothing you were wearing at the time of the assault.

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Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not disturb anything in the area where the assault occurred. Evidence can be collected at an emergency room and you can decide later whether or not you want to report the incident to the police. If the crime happened in your room or apartment, do not clean or straighten up until all evidence has been collected. Even if you are not sure about reporting the assault, it makes sense to preserve the option of reporting until you make a final decision.

- **Write down as much as you can remember** about the circumstances of the assault, including a description of the assailant, the assailant's identity if you know it, and the use of threats or force.

- **Consider reporting the assault to the University and/or law enforcement authorities.** Reporting a sexual assault may be an important step in the recovery process and may help to prevent another assault. Reporting an incident to a University official does not mean you must also report the incident to law enforcement authorities.

See this policy for reporting information to the University and/or law enforcement. There you will also find important information regarding who best to speak to at the University and why, requesting confidentiality, and protective measures and accommodations.

If you consider reporting the incident to law enforcement authorities, a uniformed officer would respond to meet with you to file a police report. At that time a determination would be made as to whether or not additional resources are needed i.e. detectives, evidence collection and the Mercer County Prosecutor's Office. You could be transported to a medical facility for a forensic examination, at no cost to you, and asked to provide a typed written statement at the local police department.

- **Consider calling Womanspace** at 609-394-9000 or 800-572-SAFE and speak to a Rape Crisis Counselor. You can ask the counselor to activate the Mercer County Sexual Assault Response Team (SART) if you desire. The SART consists of a Sexual Assault Advocate and a Sexual Assault Nurse Examiner (SANE). You do not have to reveal your identity to the counselor.

If the Sexual Assault Response Team (SART) is activated, an Advocate and the SANE nurse will meet you at the Mercer County hospital of your choice. You also have the option of asking to have a police officer meet you at the hospital if you would like law enforcement to be notified. You **DO NOT** have to have law enforcement involved in order to have the advocate and SANE nurse meet you at the hospital. If you do not want police involved, they come to the hospital only to ensure that the evidence is sent to the NJ State Police Crime Lab after it is collected at the hospital. If you do not want to have police involvement right away, the evidence kit will still be kept, untested, for five (5) years.

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What is a SANE nurse? Being examined at a hospital may be part of the process of dealing with a sexual assault. It is important to feel safe during this examination. Having someone trained to perform these particular examinations and who understands the trauma of rape can provide this sense of safety.

- Sexual Assault Nurse Examiners (SANE) are emergency room RNs who have completed specialized training to assist sexual assault victims. They perform the physical examination, collect evidence from your body, provide you with emergency contraception, treat minor injuries, work cooperatively with law enforcement agencies and the courts, and most of all support your needs.
- SANE nurses strive to preserve their patients' dignity and ensure that survivors are not re-traumatized by the evidence collection process.
- SANE nurses are also trained in identifying patterned injury, documenting injuries, maintaining chain-of-evidence, and providing expert witness testimony.

Policy History:

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