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**UCNJ Union College of Union County, New Jersey**  
**Non-Discrimination and Anti-Harassment Policy**

*If you have any comments, questions, recommendations, or complaints, do not hesitate to contact the Title IX Coordinator at 908-709-7046. (Updated January 2024)*

Table of Contents

Non-Discrimination and Anti-Harassment Policy .....	2
Investigation and Resolution Procedural Guidelines .....	20
APPENDIX .....	33
Forms .....	33
Resources .....	33
Contact Information .....	33
Information Sheets .....	33
Investigation Forms and .....	34
File a Complaint .....	34
Discrimination, Sexual Harassment, Sexual Misconduct .....	35
Contact Us .....	37
Complaint Investigation .....	38
Accommodations/Disabilities .....	39
Title IX of the Education Amendments of 1972 .....	41
Sex and Gender Based Violence .....	43
Reporting Sex and Gender Based Violence .....	44
Sex or Gender Based Violence Was Reported to You .....	45
Safety Options .....	47
Education and Training .....	48
Training Request Form.....	49

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**UCNJ Union College of Union County, NJ**  
**Non-Discrimination and Anti-Harassment Policy**

**I. Policy**

UCNJ Union College of Union County, NJ (“College”) is committed to creating an environment for all students, employees, and visitors free from discrimination and harassment on the basis of protected class. No form of discrimination will be tolerated.

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The College’s harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. This Policy describes the specific forms of legally prohibited harassment that are also prohibited under College policy.

In accordance with applicable Local, State, and Federal laws, including but not limited to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., the College does not discriminate and prohibits discrimination and harassment in all its programs and activities, including but not limited to academics, extracurricular activities, employment, promotion, admissions, and access to all career and technical programs on the basis of the following protected classes and/or characteristics:

1. Race;
2. Creed;
3. Color;
4. Sex;
5. Gender;
6. Pregnancy;
7. Gender Identity or Expression;
8. National Origin;
9. Nationality;
10. Age;
11. Ancestry;
12. Marital Status, Domestic Partnership, or Civil Union Status;
13. Religion;
14. Affectional or Sexual Orientation;
15. Atypical hereditary Cellular or Blood Trait;
16. Genetic Information;
17. Liability for Military Service;
18. Protected Veteran Status;
19. Mental or Physical Disability (including perceived disability, AIDS and HIV related illnesses);
20. Harassment (related to any of the forgoing categories);
21. Retaliation for filing a complaint of, or participating in an investigation of discrimination and harassment; and
22. Any other category protected by law.

This Policy also prohibits Discriminatory Harassment on the basis of protected class, Sexual Harassment, and Sexual Misconduct.

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## II. Reporting Discrimination and Harassment

Any member of the College community or visitor alleging discrimination or harassment, or who has knowledge of discrimination or harassment involving the College, its students, employees or others associated with the college is encouraged to immediately report it to a supervisor or designated employee at (908)709-7046;

The College is committed to responding to reports and complaints of discrimination and harassment promptly, fairly, impartially, and with sensitivity.

Under New Jersey law (N.J.S.A. 9:6-8.10), all persons must immediately report suspected cases of child abuse or neglect to Child Protection Registry of the Department of Children and Families.

Additionally, every supervisor shall act to prevent and report all acts prohibited by this policy.

## III. Purpose

Discrimination and harassment negatively impact mutual respect and a trusting environment, can bring substantial personal harm to individuals, and violates individual rights. The College prohibits such behaviors because it is committed to maintaining an environment free of all forms of discrimination.

UCNJ Union College of Union County, NJ is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the life of the College.

Discrimination compromises the integrity of the College, its' tradition of intellectual freedom, the trust and respect expected in the College community, and the rights of individuals. However, this policy is not intended to stifle teaching methods or freedom of expression. Discrimination, as prohibited in this policy, is not to be construed as prohibiting legally protected free speech, nor the proper exercise of academic freedom.

## IV. Discriminatory Harassment

This policy prohibits discriminatory harassment, which is defined as improper conduct toward a particular individual, individuals, or groups on the basis of one or more of the protected classes indicated above. Discriminatory harassment occurs when behavior is sufficiently severe, persistent, or pervasive that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive environment; or
- Unreasonably interfering with work, academic performance, personal security, or participation in any College activity.

### *Examples of Discriminatory Harassment*

Behaviors that may constitute Discriminatory Harassment include, but are not limited to:

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- Denying someone an employment or educational opportunity or benefit because of their gender, race, or disability;
  - Treating individuals differently because of their national origin or age (for example, giving them less advantageous working conditions);
  - Following a practice or policy that disproportionately impacts women or members of another protected class; or
  - Engaging in severe, persistent, or pervasive behavior, such as name calling, jokes, or other verbal or physical behavior towards a person based on their sexual orientation or perceived sexual orientation.

## **V. Scope of Application and Jurisdiction**

This Policy applies to all areas of the College operations and programs. This policy applies to all students, faculty, staff, volunteers, contractors, sub-contractors, guests and visitors, and others having an association with, do business with and/or a presence at or on any UCNJ Union College of Union County, NJ campus.

This policy applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus and to actions online when the Associate Vice President of Operations determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include, but is not limited to:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

UCNJ Union College of Union County, NJ's Associate Vice President of Operations is the College's central intake officer for matters involving discrimination, sexual harassment, and sexual misconduct; however, the Associate Vice President of Operations may share investigative responsibilities with the Dean of Students, or their designated agents, depending on the status of the parties involved in any matter. All College employees and units must coordinate with the Associate Vice President of Operations on matters that implicate this policy.

## **VI. College Policy on Accommodation of Disabilities**

The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state

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laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Associate Vice President of Operations has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

#### **A. Students with Disabilities**

The College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director Disability Services who coordinates services for students with disabilities. The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

#### **B. Employees with Disabilities**

Pursuant to the ADA, The College will provide reasonable accommodation(s) to all qualified employees with known disabilities, where the disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Associate Vice President of Operations and provide appropriate medical documentation. The Associate Vice President of Operations will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

### **VII. Sexual Harassment**

This policy prohibits sexual harassment, a form of discrimination based on sex and/or gender. Sexual Harassment encompasses *Quid pro quo* Sexual Harassment, Gender-based Harassment Hostile Environment Sexual Harassment, and Sexual Misconduct. Sexual harassment also covers unwelcome verbal or physical conduct of a sexual nature.

#### ***A. Types of Sexual Harassment***

- 1. Quid pro quo sexual harassment*** occurs when:

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- Submission to unwelcome verbal or physical conduct of a sexual nature is made either explicitly or implicitly a term or condition of any individual's employment or education; or
  - Submission to or rejection of unwelcome verbal or physical conduct of a sexual nature by an individual is used as the basis for employment or educational decisions affecting the individual.
2. ***Gender-based Harassment*** is a form of Sexual Harassment and is defined as harassment of a non-sexual nature that occurs because of a person's sex and/or gender. It also includes harassment based on a person's nonconformity with sex and/or gender stereotypes.

**B. Offenses that Constitute Sexual Harassment**

Sexual Harassment is subject to discipline when it creates a hostile environment, meaning the behavior is sufficiently severe, persistent, or pervasive to unreasonably interfere with an individual's work or educational performance. Examples include, but are not limited to, the following:

- Physical assault;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, work references, or letters of recommendation;
- Sexual behavior that is unwelcome. Such behavior may include, but is not limited to, the following:
  - Comments of a sexual nature;
  - Sexually explicit statements, questions, jokes, or anecdotes;
  - Unnecessary or undesirable physical contact;
  - Unwanted, offensive, and/or uninvited comments about another's physical appearance;
  - Display of pictures with sexual content;
  - Persistent, unwanted attempts to change a professional relationship to an amorous relationship;
  - Subtle propositions for sexual activity or direct propositions of a sexual nature;
  - Uninvited letters, emails, telephone calls, text messages, instant messages or other correspondence or writings referring to or depicted sexual activities.

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Other offenses that may constitute sexual harassment when based on sex and/or gender include, but are not limited to:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct that threatens or endangers the health or safety of any person.
- Intimidation, which is defined as implied threats or acts that cause a reasonable fear of harm in another.
- Hazing, as defined in the Student Code of Conduct.
- Bullying, as defined in the Student Code of Conduct.
- Workplace violence, which is defined as any acts or threats of physical harm, including intimidation, harassment, and/or coercion, which involve or affect the College or any of its employees, which occur on College property or are related to the workplace and are prohibited.
- Intimate partner violence, which includes violence or abusive behavior within an intimate partner relationship. Intimate partner violence may also be referred to as domestic violence or dating violence. It can be physical, sexual, emotional, verbal, economic, or psychological in nature and can include actions or threats of actions that influence or harm an intimate partner.
- Stalking, which refers to purposeful conduct directed at a specific person that would cause a reasonable person to fear bodily injury or death to themselves and/or a family member and knowingly, recklessly, or negligently places such person in reasonable fear of bodily injury or death to himself or family member, and includes, but is not limited to, conduct occurring in person, electronically, or through a third party.

### C. Sexual Misconduct

1. **Sexual Misconduct** is a form of Sexual Harassment and is prohibited by this policy. It is an egregious form of sex discrimination/sexual harassment. A number of acts are regarded as Sexual Misconduct including, but not limited to, nonconsensual sexual contact (including sexual intercourse), sexual assault, stalking on the basis of sex and/or gender, domestic violence involving sex, gender or sexual behavior, dating violence, and sexual exploitation.
2. **Consent.** Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a "no." Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

- a. **Force** is used.

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- i. Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.
  - ii. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When an individual makes it clear through words or actions that they do not want to engage in sexual contact, they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail or extortion to overcome resistance or gain consent to sexual activity.

**b. The person is **incapacitated****

- i. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. A person violates this policy if they engage in sexual activity with someone they know to be, or should have known to be, physically or mentally incapacitated.
- ii. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or from the consumption of incapacitating drugs.
- iii. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party. The question of whether the responding party should have known of the incapacity is an objective question about what a reasonable person, exercising sober, good judgment, would have known, in the same or similar circumstances.
- iv. In New Jersey, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of this policy, even if the minor welcomed the sexual activity.

3. **Nonconsensual Sexual Contact** is any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (or clothing covering any of those areas), or by causing another person to touch his or her own or another person's intimate body parts without consent and/or by force. Sexual contact also can include any intentional bodily contact in a sexual manner.

4. **Non-Consensual Sexual Intercourse** is any sexual intercourse, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual



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intercourse vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

5. Sexual Exploitation occurs when a person takes:

a. Non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses explained above. Examples of Sexual Exploitation may include, but are not limited to:

- i. Causing or attempting to cause the incapacitation of another person to gain sexual advantage over such other person (e.g.: surreptitiously giving someone an incapacitating drug such as Rohypnol; repeatedly providing a person with alcohol when they are visibly intoxicated, then attempting or engaging in sexual activity with that person);
- ii. Invading another person's sexual privacy;
- iii. Prostituting another person;
- iv. Engaging in voyeurism. A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, records, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where he or she has a reasonable expectation of privacy;
- v. Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection;
- vi. Exposing one's intimate parts in nonconsensual circumstances;
- vii. Sexually based stalking and/or bullying.

6. **Voluntary use of alcohol or other drugs** is neither an excuse, nor a valid defense to a violation of the Sexual Misconduct policy. The question of whether the responding party should have known of the incapacity is an objective question about what a reasonable person, exercising sober, good judgment, would have known, in the same or similar circumstances.

## VIII. Filing a Complaint

Anyone who has experienced conduct covered by this policy, or any third party who witnesses or becomes aware of conduct implicated by this policy, should contact the Associate Vice President of Operations, who is the Title IX Coordinator, or a Title IX Deputy Coordinator. The list of such personnel appears below, and is available on the College website. If the conduct is criminal in nature, any member of the community, including guests and visitors, may also contact Public Safety to make a report.

Individuals who file a complaint can expect to receive information regarding support resources available in the community such as counseling services, medical services, and victim advocacy. The Associate Vice President of Operations also will provide information regarding the investigation process and interim measures that may be available while the investigation is pending (see "Investigation Procedures--Interim Measures", below). The Associate Vice President of Operations may work jointly with

the Dean of Students, or their designees to investigate an allegation. After an incident is reported to the Associate Vice President of Operations, the College takes appropriate steps to stop the discriminatory behavior, prevent its recurrence, and remedy its effects.

These steps typically include a prompt, effective, and impartial investigation (see "Investigation Procedures", below).

Generally, within one working day of receiving a complaint, the Associate Vice President of Operations provides written materials to the reporting party regarding the College's policies, procedures, and available resources.

In the absence of a formal complaint, the College will also initiate an investigation upon receipt of notice of an alleged violation of this policy. Such notice may be received, for example, via social media posting, newspaper article, or legal filings.

**A. Filing a Complaint: Contact Information**

You may submit a complaint or file an incident report by telephone, fax, email, mail, or in-person to:

Vincent Lotano  
Associate Vice President of Operations  
**Title IX Coordinator**  
UCNJ Union College of Union County, NJ  
1033 Springfield Avenue, Cranford, NJ 07016  
MacDonald Hall, A-219  
908-709-7046 – telephone  
908-709-0527 – fax  
[vincent.lotano@ucc.edu](mailto:vincent.lotano@ucc.edu)

<b>Title IX Deputy Coordinators:</b>		
<b>Dr. Charnette Hockaday</b>	<b>Ms. Marbely Montas</b>	<b>Ms. Karlene Rambaran</b>
Dean of Students	Assistant Director of Athletics	Human Resources Manager
908-709-7516	908-709-7495	908-709-7144
<a href="mailto:charnette.hockaday@ucc.edu">charnette.hockaday@ucc.edu</a>	<a href="mailto:marbely.montas@ucc.edu">marbely.montas@ucc.edu</a>	<a href="mailto:karlene.rambaran@ucc.edu">karlene.rambaran@ucc.edu</a>

UCNJ Public Safety Department Cranford  
Union Campus: 908-709-7152

Plainfield Campus: 908-412-3595

Elizabeth Campus: 908-965-6070

UCNJ Union College of Union County, NJ Resources  
The resources listed below represent only a selection of campus resources that are available. For off-campus resources, including medical and counseling services, victim advocate hotlines, and state and federal compliance offices, in the Appendix.

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## B. Criminal Complaints

Anyone who has experienced sexual assault, rape, stalking, domestic or dating violence, or another crime may choose to report the incident to the police. A reporting party also has the option to report any other criminal conduct under this policy, to the police and the College will offer to assist the reporting party in filing a criminal complaint. The criminal process can be pursued simultaneously to the College's process. In most cases, the Associate Vice President of Operations defers to the reporting party's wishes regarding whether to contact police and/or file a criminal complaint; however, situations may occur in which the safety of the College community or other considerations will require the College to report an incident to police. The Associate Vice President of Operations will attempt to inform the reporting party of such decision when this occurs.

At the request of law enforcement, the College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Institution's resolution process are being investigated by law enforcement. The College will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. The College's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Those wishing to file a criminal complaint may contact their local police precinct.

## C. False or Malicious Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties providing knowingly false evidence or deliberately misleading an official investigating will be subject to discipline under the College's policy.

## D. Filing Complaints with State or Federal Agencies

For information about filing a complaint with state or federal agencies, contact the Associate Vice President of Operations or see page 18, below.

Inquiries regarding Title IX may be made externally to:

*Federal*  
Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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Web: <http://www.ed.gov/ocr>

Inquiries regarding employment-based discrimination or harassment may be made externally to:

Any person who believes a violation of the New Jersey Law Against Discrimination has occurred may contact the New Jersey Division on Civil Rights (DCR) at [www.NJCivilRights.gov](http://www.NJCivilRights.gov) and may file a complaint with the DCR within 180 days of the incident, or may also contact the Equal Employment Opportunity Commission (EEOC) at <http://www.eeoc.gov/contact/>.

## IX. Confidentiality

UCNJ Union College of Union County, NJ takes confidentiality seriously. Information regarding allegations, complaints and all investigative information is shared with only a small group of officials who need to know will be told, including but not limited to: investigators, witnesses, the responding party, and relevant College officials, or as required or permitted by law. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. In some cases, the investigation file may be subject to requests for public records; the Associate Vice President of Operations redacts identifying or other information when legally permissible.

When a reporting party requests confidentiality or requests that the College not proceed with an investigation, the College will respect that request to the extent possible. The College's legal obligation to provide a safe and nondiscriminatory environment may require that the Associate Vice President of Operations proceed with an investigation. This is discussed more fully in the Investigation and Resolution Procedures.

## X. Retaliation and Interference

This policy prohibits retaliation. Retaliation is defined as any materially adverse action taken *because of* a person's participation in protected activity. Protected activity includes reporting an incident that implicates this policy, supporting a reporting or responding party, or assisting in providing information relevant to an investigation. **Retaliation is a separate and distinct violation of this policy.** Acts of alleged retaliation should be reported immediately to the Title Associate Vice President of Operations and will be promptly, effectively and equitably investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Interference with the complaint or investigation process is also prohibited and constitutes a violation of this policy. Interference includes, but is not limited to, actions that dissuade or attempt to dissuade reporting parties or witnesses from reporting or participating in an investigation, or actions that delay or disrupt, or attempt to delay or disrupt, an investigation.

### Medical Services

In most instances, medical care providers can talk with you confidentially about your concerns. If you receive hospital care after a sexual assault, you may receive a medical evaluation from a trained Sexual Assault Nurse Examiner (SANE), who conducts a medical-legal examination and collects forensic evidence. You can also be tested for date-rape drugs and sexually transmitted diseases. They may also provide you counseling services or refer you to a relevant provider. For information on emergency contraception, the morning after pill or Plan B, talk to your doctor,

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pharmacy, or clinic. More information can be found here: [not.2.late.com](http://not.2.late.com)

If you have experienced sex or gender based violence or know somebody who has, you might consider accessing the below medical, or counseling resources.

*Medical Facilities in Union County With 24-Hour Emergency Assistance:*

Overlook Medical Center Emergency Department

99 Beauvoir Avenue

Summit, NJ 07901

908-522-2232

<http://www.atlantichealth.org/overlook/our+services/emergency+services/>

Overlook Emergency Services - Union Campus

1000 Galloping Hill Road Union, NJ

07083 908-522-6300

<http://www.atlantichealth.org/overlook/our+services/emergency+services/>

Trinitas Regional Medical Center Emergency Medicine

225 Williamson Street

Elizabeth, NJ 07202

908-994-5422

[http://www.trinitashospital.org/emergency\\_medicine.htm](http://www.trinitashospital.org/emergency_medicine.htm)

Trinitas Regional Medical Center Psychiatric Emergency Department

New Point Campus

655 East Jersey Street Elizabeth, NJ 07206-

1259 908-994-7131

[http://www.trinitashospital.org/emergency\\_medicine.htm](http://www.trinitashospital.org/emergency_medicine.htm)

Robert Wood Johnson College Hospital Rahway Emergency Department

865 Stone Street

Rahway, NJ 07065

732-499-6100

<http://www.rwjhr.com/emergencyDepartment.htm>

JFK Medical Center

JFK-Muhlenberg Campus Satellite Emergency Department

65 James Street

Edison, NJ 08820

(732) 321-7000

<https://www.jfkmc.org/jfk-affiliates/jfk-muhlenberg-campus/satellite-emergency-department>

Counseling Services

Trinitas Regional Medical Center Counseling Referrals/Outpatient Clinic

New Point Campus

655 East Jersey Street Elizabeth, NJ 07206-

1259 908-994-7278

Rachel Coalition

Domestic Violence Services

256 Columbia Turnpike

Suite 105

Florham Park, NJ 07932 (973) 765-9050

[info@jfsmetrowest.org](mailto:info@jfsmetrowest.org)

Rachel Coalition

Domestic Violence Services

570 W. Mt. Pleasant Ave. Suite

106 Livingston, NJ 07039

(973) 740-1233

[info@jfsmetrowest.org](mailto:info@jfsmetrowest.org)

See also Victim Advocates, below.

Sex and Gender Based Violence, Victim Advocates

If you have experienced sex and gender based violence or know somebody who has, you may consider contacting a Victim Advocate. A Victim Advocate is a person who has been trained to support victims of crimes, by providing emotional support and help navigating resources and the criminal justice system. Advocacy agencies often provide counseling, 24-hour crisis lines, housing resources, and legal support for free or reduced costs. In most instances, these care providers can speak to you confidentially about your concerns.

24-Hour Victim Advocate Hotlines:

**Rape Crisis Center, Union County** <http://www.ywcaunioncounty.org/our-services/> 24-hour  
HOTLINE: 908-233-RAPE (7273)

YWCA, Union County

<http://www.ywcaunioncounty.org/our-services/>

24-Hour Domestic Violence Hotline: 908-355-4357 (HELP)

Rachel Coalition

Domestic Violence Services

[info@jfsmetrowest.org](mailto:info@jfsmetrowest.org)

24-hour crisis response line: 973-740-1233

New Jersey Coalition Against Sexual Assault (NJCASA)

<http://njcasa.org/>

24-hour State Hotline: 800-601-7200

Statewide:

New Jersey Coalition for Battered Women

New Jersey Coalition for Battered Women is a statewide association that provides leadership,

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support and resources on the prevention of violence against women in New Jersey through advocacy, training, public awareness and research. <http://www.njcedv.org/>

#### New Jersey MentalHealthCares

New Jersey MentalHealthCares is the Mental Health Association in NJ's free, confidential statewide mental health information and referral helpline, available 24/7. Our staff of mental health professionals uses their experience and understanding of the state's mental health resources to connect you to the services you need. <http://www.njmentalhealthcares.org/>

#### NJ Coalition Against Sexual Assault

NJCASA's mission is to promote the compassionate and just treatment of survivors and their loved ones; foster collaborative relationships between community systems; and affect attitudinal and behavioral changes in society as we work toward the elimination of sexual violence against all people. <http://njcasa.org/>

#### Nationwide:

- [Rape, Abuse, & Incest National Network Hotline: 1-800-656-HOPE \(4773\)](#)
- [National Domestic Violence Hotline: 1-800-799-SAFE \(7233\);](#)
- [Gay, Lesbian, Bisexual and Transgender Hotline: 1-888-THE-GLNH \(843-4564\);](#)
- [Love is Respect: 1-866-331-9474;](#)
- [Not Alone: Together Against Sexual Assault:](#) The federal government has also compiled helpful information for students and universities, including information on what to do if you have been sexually assaulted, how to help a friend who has been sexually assaulted, and information about your rights if you share information about a sexual assault with your academic institution. Locate a resource or service in your area to receive support if you are in a crisis situation or if you want to speak with an advocate. <https://www.notalone.gov/resources/>

#### Legal Advocates/Legal Services

##### Partners for Women and Justice

Tel: 973-233-0111  
60 South Fullerton Ave. #106  
Montclair, NJ 07042  
Fax: 973-233-0106  
[www.pfwg.org](http://www.pfwg.org)

##### Legal Services of New Jersey - Domestic Violence Representation Project

100 Metroplex Drive, Suite 402  
PO Box 1357  
Edison, NJ 08818  
Phone: 732-572-9100  
Fax: 732-572-0066  
Website: <http://www.probononj.org>

Union County Rape Hotline  
24-hour Hotline: 908-233-RAPE  
(7273) TTY: 908-232-1435

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Fax: 908-654-0260  
Hours of Operation: Monday – Friday 8 a.m. – 4 p.m.  
Blog: [www.unioncountyrapecrisiscenter.blogspot.com](http://www.unioncountyrapecrisiscenter.blogspot.com)

For information on obtaining a restraining order in New Jersey, see WomensLaw.org:  
[http://www.womenslaw.org/laws\\_state\\_type.php?id=557&state\\_code=NJ&open\\_id=11187](http://www.womenslaw.org/laws_state_type.php?id=557&state_code=NJ&open_id=11187)

Some local Domestic Violence Services and Rape Care Centers offer legal clinics.  
Domestic violence victims and their children can temporarily access safe and secure shelters in the Union County area.

Project Protect  
c/o YWCA of Eastern Union County 1131 East Jersey  
Street Elizabeth, NJ 07201  
Emergency Shelter 24-Hr. Hotline: (908) 355-4357  
TTY: (908) 355-1023  
Fax: (908) 355-0534  
Email: [info@ywcacmail.com](mailto:info@ywcacmail.com) Web: [www.ywca-euc.org](http://www.ywca-euc.org) Outreach Phone: (908) 355-1995

Rachel Coalition  
Domestic Violence Services  
24-hour crisis response line: 973-740-1233 256 Columbia  
Turnpike Suite 105  
Florham Park, NJ 07932 (973) 765-9050  
[info@jfsmetrowest.org](mailto:info@jfsmetrowest.org) 570 W. Mt. Pleasant Ave. Suite 106  
Livingston, NJ 07039  
(973) 740-1233  
[info@jfsmetrowest.org](mailto:info@jfsmetrowest.org)



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## Federal Information

### Sexual Assault

The federal government has compiled helpful information for students and institutions, including information on what to do if you have been sexually assaulted, how to help a friend who has been sexually assaulted, and information about your rights if you share information about a sexual assault with your academic institution:

- [Not Alone: Together Against Sexual Assault](#)

### Overseas Crime

- **U.S. Department of State – Travel Information by Regions**  
The State Department’s Office of American Services and Crisis Management (ACS) administers the Consular Information Program, which informs the public of conditions abroad that may affect their safety and security. Country Specific Information, Travel Alerts, and Travel Warnings are vital parts of this program.
- **9-1-1 Emergency Contact Numbers Abroad**  
U.S. consular officers are located at over 260 Foreign Service posts abroad. There are also consular officers in 46 foreign cities without U.S. embassies or consulates. They are ready to provide assistance if you need it. From the U.S. or Canada, call 1-888-407-4747, or from overseas call 202-501-4444.
- **U.S. Department of State – Help for U.S. Citizens of Crime Overseas** Consular officers, agents, and staff work with crime victims and help them with the local police and medical systems. Overseas Citizens Services will stay in touch with family members in the United States and help provide U.S.-based resources for the victim when possible. From the U.S. or Canada, call 1-888- 407-4747, or from overseas call 202-501-4444.

#### **A. ADA Resources**

- [Information and Technical Assistance on the Americans with Disabilities Act](#), U.S. Department of Justice – Civil Rights Division, see <http://www.justice.gov/crt/disability-rights-section>.
- Division of Disability Services, Department of Human Services, State of New Jersey, see <http://www.state.nj.us/humanservices/dds/home/index.html>.

#### **B. Sexual Assault and Sex and Gender Based Violence Survivor Links and Resources**

- [Surviving Campus Sexual Assault: An Overview of Your Rights as a Student](https://www.legalmomentum.org/resources/surviving-campus-sexual-assault-overview-your-rights-student)  
<https://www.legalmomentum.org/resources/surviving-campus-sexual-assault-overview-your-rights-student>
- [Transgender Sexual Violence Survivors: A Self-Help Guide to Healing and Understanding](#), Forge: Transgender Sexual Violence Project
  - <http://forge-forward.org/wp-content/docs/self-help-guide-to-healing-2015-FINAL.pdf>

- Not Alone: Together Against Sexual Assault, information for students and schools on resources to respond to and prevent sexual assault. <https://www.notalone.gov/>
- Know Your IX, information for students to respond to and prevent sexual assault. <http://knowyourix.org/>
- Rape, Abuse & Incest National Network, national information for survivors and supporters of survivors. <https://rainn.org/>
- 1 is 2 Many, Whitehouse Public Service Announcement <https://www.whitehouse.gov/1is2Many>
- Consent: If you don't get it, you don't get it, Whitehouse Public Service Announcement on Facebook. <https://www.facebook.com/WhiteHouse/videos/10153741426384238/>
- 1 in 5, Whitehouse Public Service Announcement <http://m.govexec.com/management/2015/11/white-house-psa-using-bears-make-point-about-sexual-assault/123487/?oref=ge-iphone-interstitial-continue>
- SAFER, a nonprofit organization providing resources and tools for student-led movements to combat sexual and interpersonal violence on campus communities. <http://www.safercampus.org/>
- Commission on Domestic & Sexual Violence, American Bar Association [http://www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html)

#### C. Restraining Orders

- **WomensLaw.org:** [http://www.womenslaw.org/laws\\_state\\_type.php?id=557&state\\_code=NJ&open\\_id=11187](http://www.womenslaw.org/laws_state_type.php?id=557&state_code=NJ&open_id=11187)
- New Jersey State Police:
  - <http://www.njsp.org/division/operations/domestic-violence-info.shtml>
- **NJ Division on Women Department of Community Affairs** 101 South Broad Street
  - PO Box 801
  - Trenton, NJ08625-0801 Phone: (609) 292-8840
  - Fax: (609) 633-6821
  - TTY: (609) 777-0799
  - Email: [dow@dca.state.nj.us](mailto:dow@dca.state.nj.us)
  - Web: [www.nj.gov/dca/dow](http://www.nj.gov/dca/dow)

#### D. External Offices

Please see the following websites for more information on state and federal laws, and how to file a

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complaint external to UCNJ Union College of Union County, NJ.

- U.S. Department of Labor: <http://www.dol.gov/>
- U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov/>
- U.S. Department of Justice – Civil Rights Division: <http://www.justice.gov/crt>
- U.S. Department of Justice – Office On Violence Against Women: <http://www.justice.gov/ovw>
- U.S. Department of Education – Office for Civil Rights <http://www2.ed.gov/about/offices/list/ocr/index.html>
- Division on Civil Rights, Office of the Attorney General, State of New Jersey <http://www.nj.gov/oag/dcr/index.html>
- Office of the State Auditor, New Jersey Office of Legislative Services <http://www.njleg.state.nj.us/legislativepub/auditreports.asp>

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## UCNJ Union College of Union County, NJ

### Non-Discrimination and Anti-Harassment Investigation and Resolution Procedural Guidelines

#### I. Purpose

The Associate Vice President of Operations, who also is designated as the Title IX Coordinator, coordinates and facilitates resolution of allegations arising under the UCNJ Union College of Union County, NJ Non-Discrimination and Anti-Harassment Policy (the Policy), see page 5. These procedural guidelines (the Procedures) are flexible and may be adapted on a case-by-case basis to help ensure a prompt, impartial, thorough and effective process. In cases involving students, the coordinator may refer investigation to the Dean of Students or their designee.

#### II. Complaints

A complaint is an allegation of conduct that implicates the Policy, which may include, but is not limited to any allegations of discrimination, bias intimidation, sexual harassment, and/or sexual misconduct. Notice received by means other than a formal written or oral complaint, such as through social media or news media, may be treated as a “complaint” for purposes of the Procedures.

Complaints alleging discrimination, bias intimidation, sexual harassment, sexual misconduct, or other conduct under the Policy, may be made orally or in writing, to the Associate Vice President of Operations, a supervisor/manager, dean, or an officer of the College.

Complaints or notice received by a supervisor/manager and all other College employees or agents must be reported to the Associate Vice President of Operations, who will apply the Procedures to either process the complaint or assist the relevant College unit in its response. When appropriate, the College may take interim measures to ensure safety and mitigate the effects of the alleged conduct.

The Associate Vice President of Operations facilitates the prompt and effective resolution of complaints using the Procedures. When appropriate, the Associate Vice President of Operations will work with the College unit to respond to and resolve a complaint at the unit level. The Associate Vice President of Operations may facilitate a resolution process in lieu of, or simultaneously with, an investigation.

The Associate Vice President of Operations’ jurisdiction is usually limited to matters concerning the Policy. If a complaint extends beyond the Associate Vice President of Operations’ jurisdiction under the Policy, the complaint may be referred to another College office. For example, if the complaint does not involve members of the College community, or have sufficient nexus to the College’s operation, activities and mission, the Associate Vice President of Operations may refer the matter to an outside entity or agency, as appropriate. Members of the College community may include, but are not limited to, employees, students, volunteers, vendors, contractors, affiliates, guests, visitors, and any other person connected to the College.

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### III. Complaint Processing

#### A. Intake

Upon receipt of a complaint or notice of an allegation, the Associate Vice President of Operations typically conducts an initial intake with the reporting party, which generally includes, but is not limited to, the following:

1. Obtain identification and contact information from the reporting party.
2. Explain the role the role of the Associate Vice President of Operations or designee as a neutral fact-finder and/or facilitator of the resolution process.
3. Explain the Procedures used to address the allegation.
4. Explain that the College takes the reporting party's confidentiality seriously, but limitations exist on confidentiality.
5. Obtain as much initial information as possible from the reporting party, which may include other possible sources of information, including individuals from whom the Associate Vice President of Operations may obtain additional information.

Following the intake meeting, the Associate Vice President of Operations will confirm receipt of the complaint in writing (which may be an email message) to reporting party, within a reasonable time after receipt of the complaint, usually five business days.

#### B. Determination to Proceed and Confidentiality

After the initial intake, and as needed thereafter based on additional information, the Associate Vice President of Operations will assess whether the complaint, if true, would constitute a violation of the Policies and warrants further inquiry. If at any time the Associate Vice President of Operations determines that no basis for a policy violation exists, they may decline to proceed further. If the complaint presents other potential issues, it may be referred to the appropriate office.

When a reporting party requests confidentiality or requests that the College not proceed with an investigation, the College will respect that request to the extent possible. The College's legal obligation to provide a safe and nondiscriminatory environment may require that the Associate Vice President of Operations proceed with an investigation. In situations involving pattern, predation, threat, minors, weapons, and/or violence, for example, the College will likely be unable to fully honor a request for confidentiality. The Associate Vice President of Operations will inform a reporting party if this occurs and will work with the reporting party to provide necessary resources, support, and other interim measures.

In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College may offer interim supports and remedies to the reporting party and the community. If the reporting party elects to take no action, they can change that decision later if they decide to pursue a formal process.

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### **C. Safety Assessment**

After the initial intake and as necessary throughout an investigation, the Associate Vice President of Operations will assess whether immediate action must be taken for the safety or security of any person involved. The Associate Vice President of Operations will immediately contact the appropriate office at the College or in the community, which may include but is not limited to law enforcement, the Public Safety Department, Dean of Students, Human Resources Department, and relevant academic offices.

### **D. Conflict of Interest**

The Associate Vice President of Operations or other assigned investigator(s) will not participate in an investigation if a conflict of interest exist. If the Associate Vice President of Operations determines that they have a conflict of interest, the allegation will be referred to another appropriate office for the investigation. A conflict of interest means the existence of an interest which may reasonably be determined to affect or appear to affect the impartiality of the Associate Vice President of Operations. To raise any concern involving bias or conflict of interest by the Associate Vice President of Operations, contact the Vice President of Finance and Operations. Concerns of bias or a potential conflict of interest by any other administrator involved in the resolution process should be raised with the Associate Vice President of Operations.

After informing the reporting party of the investigation procedures, the Associate Vice President of Operations will seek the reporting party's consent to proceed with an investigation. However, the Associate Vice President of Operations also will inform all reporting parties if a case implicates the College's obligation to investigate a complaint, whether the reporting party grants consent or not.

### **E. Notice of Complaint**

The Associate Vice President of Operations will generally provide notice and information to the following persons, absent a compelling basis to maintain confidentiality.

1. Relevant supervisor(s): Will be notified of the complaint and requested to inform the responding party and others involved, if any, that they are expected to cooperate with the Associate Vice President of Operations investigation and conduct themselves in a professional manner during the Associate Vice President of Operations process, to be truthful and refrain from retaliating against anyone involved in the process.
2. Responding party: Unless a compelling reason exists not to do so, the responding party will be notified of the complaint with sufficient detail to enable the responding party to fully respond to the allegation(s). A responding party cannot be held in violation of the policy without notice and an opportunity to respond to the allegations.
3. Others may be notified on an as-needed basis.

### **F. Participation of Parties and Witnesses**

Witnesses (as distinguished from the parties) who are faculty, students or staff of the College are expected to cooperate with and participate in the College's investigation and resolution process.

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Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may be subject to discipline. Witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, if deemed appropriate by the investigators, though this approach is not ideal.

#### **IV. Interim Actions**

The College may implement appropriate remedial, supportive, responsive and/or protective actions upon notice of alleged harassment, discrimination, and/or retaliation. These interim actions are intended to support both the reporting party and responding party while the resolution process is pending. Many of the interim actions are also targeted to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling, medical, and/or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support
- Offering adjustments to academic deadlines, course schedules, etc.

Any interim actions will be taken in consultation with the Associate Vice President of Operations.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures. Reasonable measures taken will be at no cost to the parties. Violations of any protective or interim actions may lead to disciplinary action.

The College may interim suspend a student, employee, or student organization pending the completion of investigation and resolution procedures, particularly when, in the judgment of the Associate Vice President of Operations, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the responding party or the ongoing activity of the student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee, or student organization will be given the option to meet with the Associate Vice President of Operations prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented or should be modified. The Associate Vice President of Operations has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.

Violation

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of an interim suspension under this policy will be grounds for discipline which may include expulsion or termination. Interim suspension may be given over the phone, verbally, or by e-mail.

During an interim suspension, a student or employee may be denied access to College campus/facilities/events. The College will use the least restrictive interim measures possible to ensure the continued safety and health of the reporting party and/or the campus community. As determined by the Associate Vice President of Operations, these restrictions may include classes and/or all other College activities, or privileges for which the student or employee might otherwise be eligible. For example, such measures could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of College facilities or equipment, allowing a student to withdraw or take incompletes without financial penalty, suspending a student's participation in extracurricular activities, or student organizational leadership. At the discretion of the Associate Vice President of Operations, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the responding party.

## **V. Informal Resolution**

The goal of the Policy is to maintain an environment free from harassment and discrimination. Therefore, the Associate Vice President of Operations process is focused on providing an opportunity to identify and resolve discriminatory or potentially discriminatory conduct at the earliest possible opportunity and in the most effective manner.

Informal Resolution is used when the parties agree to resolve the matter through conflict resolution [mediation, restorative justice, etc.], where the responding party accepts responsibility for violating policy, or when the Title IX Coordinator or designee can resolve the matter informally by providing remedies to resolve the situation. It is not necessary to pursue Informal Resolution first in order to pursue Formal Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Formal Administrative Resolution process. Further, if an informal resolution fails after the fact, formal resolution may be pursued.

The Associate Vice President of Operations may participate in the informal resolution process or may ask others to guide that process, based on their discretion. At any time during an informal resolution process, the reporting party and/or the responding party may request that the College proceed with the formal investigation.

### **A. Conflict Resolution**

Conflict Resolution is an informal process, such as mediation or restorative practices, by which a mutually-agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Conflict Resolution. Additionally, the Associate Vice President of Operations determines if Conflict Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Conflict Resolution. In a Conflict Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible.

Sanctions are not possible as the result of a Conflict Resolution process, though the parties may agree to appropriate remedies. The Associate Vice President of Operations maintains records of any resolution that is reached, and failure to abide by the accord can result in appropriate



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responsive actions.

Conflict Resolution is not the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Associate Vice President of Operations believe it could be beneficial.

**B. Responding Party admits responsibility for alleged violations**

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the Early Resolution Process. If the responding party admits responsibility, the Associate Vice President of Operations makes a determination that the individual is in violation of College policy. The Associate Vice President of Operations then determines appropriate sanction(s) or responsive action, which are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community. If the responding party only admits to part of the alleged policy violations, then the Associate Vice President of Operations finds the responding party in violation of the admitted violations and the contested allegations will be resolved using Administrative Resolution.

**C. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Institution. Sanctions may be imposed.

**VI. Formal Resolution**

**A. Investigation**

Formal Resolution can be pursued for any behavior for which the responding party has not accepted responsibility, where the parties resolved the matter through conflict resolution, or when the Associate Vice President of Operations deems Formal Resolution appropriate given the nature of the alleged violations.

Formal Resolution starts with a formal investigation. If Formal Resolution is initiated, the Associate Vice President of Operations will provide written notification of the investigation to the responding party at an appropriate time during the investigation. The Associate Vice President of Operations will develop an investigation plan, which will include a statement of the allegation(s) and a preliminary statement of evidence. The plan may include a preliminary list of witnesses to interview, relevant documents, and other evidence.

The Associate Vice President of Operations seeks to complete investigations promptly after receipt of a complaint. An investigation of sexual misconduct, sexual assault or domestic violence is typically completed within 60 calendar days, unless there are mitigating circumstances and/or good cause to extend that time limit. Cases involving a student responding party will usually be referred to the Dean of Students for investigation.

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The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Institution's resolution process are being investigated by law enforcement. The College will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record. The College uses a "preponderance of the evidence" legal standard to evaluate allegations to determine whether a violation occurred (i.e.: whether a policy violation is more likely than not).

The investigator(s) typically takes following steps, if not completed already (not necessarily in order):

- Determine the identity and contact information of the reporting party.
- In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary interim actions or remedial measures.
- Identify all policies implicated by the alleged misconduct.
- Assist the Title IX Coordinator with conducting an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
  - If there is insufficient evidence to support reasonable cause, the inquiry is closed with no further action.
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the responding party.
- Meet with the reporting party to finalize their statement or complaint, if necessary.
- Prepare the initial notice of investigation (NOI) on the basis of the preliminary inquiry. Notice may be one step or multiple steps, depending on how the investigation unfolds. Notice of allegations may be combined with the NOI, or provided subsequently. Notice should inform the parties of their right to have the assistance of an ERP pool member or other advisor of their choosing present for all meetings attended by the advisee. When formal notice of allegations is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.

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- Provide the parties and witnesses with an opportunity to review and verify the investigator's summary notes from interviews and meetings with that specific party or witness.
  - Investigators will make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance where possible.
  - Interview all relevant individuals and conduct follow-up interviews as necessary.
  - Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
  - Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding.
  - Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
  - Write a comprehensive investigation report fully summarizing the investigation and all evidence.
  - Provide parties with a copy of the draft investigation report when it is completed, including all analysis, credibility assessments, and recommended finding(s). Provide each party with a full and fair opportunity to respond to the report in writing (5 calendar days), and incorporate that response into the report. The Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses.
  - Make findings, based on a preponderance of the evidence (whether a policy violation is more likely than not);
  - The Associate Vice President of Operations then timely shares the findings and updates the parties on the status of the finding(s), without undue delay between notifications to each party.

At any point during the investigation, if it is determined that there is no reasonable cause to believe that College policy has been violated, the Associate Vice President of Operations has the authority to terminate the investigation and end resolution proceedings.

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

## **B. Advisors**

Each party is allowed to have one advisor of their choice present with them for all resolution process meetings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the

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College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the Associate Vice President of Operations, which will allow advisors to clarify any questions they may have and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Associate Vice President of Operations will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations. The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

### **C. Sanctions**

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination,

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harassment and/or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

#### i. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions if the student or organization is found in violation of any College policy, procedure or directive within a specified period. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Commencement*: The College may deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### ii. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*

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- *Probation*
  - *Loss of Annual Pay Increase*
  - *Loss of Oversight or Supervisory Responsibility*
  - *Demotion*
  - *Suspension with pay*
  - *Suspension without pay*
  - *Termination*
  - *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

## VII. Appeal of a Formal Resolution

In those matters that do not involve the Student Code of Conduct, a limited appeal is available. All requests for appeal consideration must be submitted in writing to the Associate Vice President of Operations within five (5) calendar days of the delivery of the written finding of the Associate Vice President of Operations. Any party may appeal the findings only on the following ground:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, insufficient investigation, etc.).

The original finding will stand if the appeal is not timely or is not based on the ground listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding is presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Associate Vice President of Operations will share the appeal request with the other party(ies), who may file a response within three (3) calendar days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three calendar (3) days. These response or appeal requests will be shared with each party.

The Appellate Officer will be the Associate Vice President of Operations who was not involved in making the original finding. The following procedural elements apply to the appeal.

- Decisions by the Appellate Officer are to be deferential to the original decision, making changes to the finding only where there is clear error.
  - Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) merely because they disagree with its finding and/or sanctions.
  - Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Associate Vice President of Operations or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - Once an appeal is decided, the outcome is final: further appeals are not permitted.
  - All parties will be informed in writing of the outcome of the appeal within three (3) days, without significant time delay between notifications. This notification will include the finding and a detailed rationale for the finding.
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- In rare cases where a substantive procedural error cannot be cured by the original investigator(s) (e.g.: substantiated bias), the Appellate Officer may recommend a new investigation and/or Administrative Resolution process, including a new investigator, when deemed appropriate. The results of a new Administrative Resolution process can only be appealed once.
  - In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

For information on student appeals, please refer to UCNJ Union College of Union County, NJ Student Handbook for the section on appealing the disciplinary process.

### VIII. Long-Term Remedies/Actions

Following the conclusion of the Informal or Formal Resolution processes and in addition to any sanctions implemented, the Associate Vice President of Operations may utilize long-term remedies or actions stop the harassment or discrimination, remedy its effects, and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Associate Vice President of Operations, long-term remedies may also be provided even when the responding party is found not responsible. The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

### IX. Other Available Processes

Any student or employee aggrieved by the Associate Vice President of Operations report may be entitled to file a complaint outside of the College. See page 48, below, for agency names and contact information.

Before discipline may be imposed based on an investigation memorandum or investigation report, a student or employee may be entitled to further internal process depending upon the employment agreement, Student Code of Conduct, or other College policy.

### X. Withdrawal or Resignation While Charges are Pending

**Students:** The College does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination. Should a student decide to leave and/or not participate in the resolution process, the process

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nonetheless proceeds in the student's absence to a reasonable resolution and that student is not permitted to return to the College unless all sanctions have been satisfied. The student does not have access to an academic transcript until the allegations have been resolved.

**Employees:** Should an employee resign with unresolved allegations pending, the records of the Associate Vice President of Operations will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.



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## **APPENDIX**

**Forms**  
**Resources**  
**Contact Information**  
**Information Sheets**

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## Investigation Forms and Campus and Community Resources

### **File a Complaint**

For Procedural Guidelines for Investigations, see page, 24.

For the Student Handbook, go to

[www.ucc.edu/campus-life/student-handbook/](http://www.ucc.edu/campus-life/student-handbook/).

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**UCNJ Union College of Union County, NJ**  
**Discrimination, Sexual Harassment, Sexual Misconduct Incident Report/Complaint Form**

Use this form to report incidents of discrimination, sexual harassment, or sexual misconduct. You are encouraged to include as much information as possible. If you want to enter only your name and phone number, the Associate Vice President of Operations will contact you. Based on the information you provide; an investigation may be initiated. You may submit a report anonymously, but please be aware that an anonymous report limits the College's ability to investigate. If you need advice or consultation, see the Associate Vice President of Operations (908-709-7046) or the Dean of Students (908-709-7516). See also Resources information, at page 41, below.

**Background Information**

Your full name: \_\_\_\_\_  
Are you a student? \_\_\_ Faculty? \_\_\_ Staff? \_\_\_ Other? Check one.  
If Other, please indicate connection to the College:

Your phone number: \_\_\_\_\_  
Your email address: \_\_\_\_\_  
Name of the person or persons who engaged in the misconduct:

Date of incident: \_\_\_\_\_

Time of incident: \_\_\_\_\_

Location of incident:

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**Involved Persons**

Name all persons who were involved:

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**Details**

Please provide details about the incident(s) you wish to report.

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**Supporting Documentation**

To submit photos, video, email, text messages and other supporting documents, please contact the Associate Vice President of Operations at 908-709-7046.

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## **Contact Us**

For information and consultations, and to submit a complaint by phone, fax, email, mail, or in person, contact:

Associate Vice President of Operations  
UCNJ Union College of Union County, NJ  
Title IX Coordinator  
MacDonald Hall, A-219  
908-709-7046 -- phone  
908-709-0527 -- fax

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## Complaint Investigation

The Associate Vice President of Operations UCNJ Union College of Union County, NJ's central intake and referral officer for discrimination, discriminatory harassment (or bias intimidation), sexual harassment, and sexual misconduct complaints from students, employees, visitors, and guests. The Associate Vice President of Operations collaborates with other College personnel who receive and address complaints and problems in educational environments and workplaces throughout the College, including but not limited to supervisors, Dean of Students, and Dean of College Life. The Associate Vice President of Operations will investigate, jointly with other College personnel when appropriate, all reported incidents of discrimination, bias intimidation, sexual harassment, and sexual misconduct, or refer them, as appropriate, for a response.

The Associate Vice President of Operations investigates complaints that implicate the UCNJ Union College of Union County, NJ Non-Discrimination and Anti-Harassment Policy, see page 5.

The Associate Vice President of Operations follows the following guidelines when investigating a complaint: Procedural Guidelines for Investigations, see page 24, below.

To file a complaint with the Associate Vice President of Operations, see File a Complaint, at pages 20.

For information on Student conduct procedures, see the Student Handbook at: [www.ucc.edu/campus-life/student-handbook/](http://www.ucc.edu/campus-life/student-handbook/).

Information on Employee Handbook procedures, see the Employee Handbook via the Owl's Nest through the College website.

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## Accommodations/Disabilities

### Background

- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act of 1974

The Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1974 (Section 504) prohibit discrimination on the basis of disability and allow for accommodations that may be requested. The American with Disabilities Acts includes mental and physical medical conditions; it applies to UCNJ Union College of Union County, NJ and includes regulations covering access to all College programs and services.

### ADA Coordinator

The ADA Coordinator is responsible for coordinating UCNJ Union College of Union County, NJ's efforts to comply with Title II of the ADA and other federal and state laws and regulations pertaining to persons with disabilities, including Section 504. The ADA Coordinator works closely with the Associate Vice President of Operations and will refer discrimination complaints for investigation.

### Responsibilities of the ADA Coordinator

- Providing referrals, resources, advice, services, and compliance information to College offices, students, and employees.
- Maintaining up-to-date resources and policy materials that are readily available relating to persons with disabilities.
- Assuring the College's compliance with the ADA, and other federal and state laws and regulations pertaining to persons with disabilities.
- Collaborating with other College offices, government agencies, and external advocacy groups to develop College policies and procedures to accommodate persons with disabilities and to prevent and respond to discrimination on the basis of disability.
- Developing and maintaining investigative procedures and processes to resolve complaints and inquiries from College offices, students, and employees.
- Making determinations about allegations of discrimination and non-compliance under the ADA and other applicable federal and state laws regarding discrimination on the basis of disability.

The following individuals have been designated to address inquiries regarding Section 504, the ADA, and Title IX, as indicated:

### Complaints

Associate Vice President of Operations  
Title IX Coordinator  
MacDonald Hall, room A-219  
908-709-7046

All Title IX matters should be directed to the Associate Vice President of Operations, UCNJ Union College of Union County, NJ's Title IX Coordinator. All complaints of discrimination and sexual harassment, including those concerning Title IX, Section 504, or the ADA also, should be directed to the Associate Vice President of Operations.

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### Student Accommodation Requests

Coordinator of Services for Students with Disabilities, Student Development Bldg., Helen E. Chaney  
Student Services Center  
Phone: 908-709-7164

All requests for accommodations from UCNJ Union College of Union County, NJ students, pursuant to Section 504 or the ADA, should be directed to the Coordinator of Services for Students with Disabilities.

### Employee, Guest, and Visitor Accommodation Requests

Associate Vice President of Operations  
Section 504 Administrator and ADA Coordinator MacDonalld Hall, room A-219  
908-709-7046 (phone)

All requests for accommodations from UCNJ Union College of Union County, NJ employees, guests, and visitors, pursuant to Section 504 or the ADA, should be directed to the Associate Vice President of Operations, the Section 504 Administrator and ADA Coordinator. All matters, other than student accommodation requests and complaints, also should be directed to the Associate Vice President of Operations.

### Reasonable Accommodations

UCNJ Union College of Union County, NJ provides access, equal opportunity and reasonable accommodations in its services, programs, activities, education, and employment for individuals with disabilities. To request a disability accommodation, contact one of the employees, above, as appropriate.

### Complaint

If you believe that you have been subject to discrimination on the basis of a disability or denied a reasonable accommodation, and you would like to file a complaint, please contact the Associate Vice President of Operations, or see page 20, above.



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## **Title IX of the Education Amendments of 1972**

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It provides that no person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Sex discrimination includes sexual harassment and sexual violence. Title IX was long thought of as a law that applied only to athletics programs. The interpretation and application of Title IX by the federal government is now much broader and applies to educational programs and employment at all institutions of higher education, including UCNJ Union College of Union County, NJ.

- Title IX can be found in the Education Amendments of 1972, 20 U.S.C. §1681, and its implementing regulations at 34 C.F.R. Part 106 (Title IX). See: <http://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>.
- A Q & A about Title IX by the Office of Civil Rights of the U.S. Department of Education can be found at: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
- UCNJ Union College of Union County, NJ Non-Discrimination and Anti-Harassment Policy prohibits discrimination, sexual harassment, and sexual misconduct (including sexual assault, stalking, and domestic and dating violence). See page 5, above.

### Title IX Coordinators

Compliance with Title IX is everyone's responsibility at the UCNJ Union College of Union County, NJ; however, the following individuals are responsible for coordinating the College's Title IX compliance. If you have a Title IX-related concern or a complaint, please contact a supervisor or one of the following Title IX Coordinators:

For Complaints Against Faculty, Staff, or Individuals Who Do Business with the College:

Associate Vice President of Operations  
Title IX Coordinator  
MacDonald Hall (A-219)  
UCNJ Union College of Union County, NJ  
1033 Springfield Avenue  
Cranford, NJ 07016  
908-709-7046

Complaints under this Policy will be addressed as outlined in the EEO/AA Procedural Guidelines for Investigations. See page 24, above.

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As the lead Coordinator, the Associate Vice President of Operations has responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX and its implementing regulations, including training, education, communication, and investigation of complaints. The Associate Vice President of Operations is primarily responsible for coordinating the investigation of all complaints of discrimination on the basis of sex, and complaints involving faculty and staff.

For Complaints Against Students:

Dean of Students  
Deputy Title IX Coordinator  
UCNJ Union College of Union County, NJ  
1033 Springfield Avenue Cranford, NJ 07016  
908-709-7516

Complaints under this Policy will be addressed as outlined in the Student Handbook. As the Deputy Coordinator for Student Affairs, the Dean of Students is responsible for Title IX compliance in matters involving student conduct, including training, education, communication, and investigation of complaints.

For Gender Equity and Other Complaints in Athletics:

Dean of College Life Deputy Title IX Coordinator Student Activities Office 1033  
Springfield Avenue  
Cranford, NJ 07016  
908-709-7093

As the Deputy Coordinator for Athletics, the Dean of College Life is responsible for Title IX compliance in matters involving Athletics, including training, education, communication, and investigation of complaints. In complaints about students, the Dean of College Life will collaborate with the Dean of Students and the procedures outlined in the Student Code of Conduct will be followed.

In complaints about faculty or staff, the Dean of College Life will collaborate with the Associate Vice President of Operations and Lead Coordinator and procedures outlined in the Associate Vice President of Operations Procedural Guidelines for Investigations will be followed. See page 24, above.

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## Sex and Gender Based Violence

Sex and gender based violence includes, but is not limited to, non-consensual sexual contact, sexual exploitation, stalking, and domestic and dating violence. UCNJ Union College of Union County, NJ prohibits sexual misconduct, including sexual assault and other sexual violence. See. If you have experienced sex and gender-based violence, the Associate Vice President of Operations can help you find resources, make a report, and assist with implementing personal safety measures.

I have experienced sex or gender based violence. What resources and services are available to me?

Resources are available to those who have experienced sex and gender based violence. Follow the below links to access resource information:

- Reporting Options, see page 35, below.
- Finding an Advocate, see page 43, below.
- Healing and Recovery, see page 41, below.
- Legal Advocates/Legal Services, see page 44, below.
- Safety Options, see page 38, below.

Sex or gender based violence was reported to me. What should I do?

- UCNJ Union College of Union County, NJ Employees, see page 36, below.
- Students, see page 36, below.
- Reporting to Police, see page 36, below.
- Other Reporting, see page 36, below.

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## Reporting Sex and Gender Based Violence

UCNJ Union College of Union County, NJ encourages all members of the College community to report sex and gender violence and all violations of its Non-Discrimination Policy. The College prohibits retaliation against anyone who reports or participates in an investigative or disciplinary process.

There are several ways to report sex and gender based violence. Please review the list below and select the option that best meets your preference.

### Reporting to a Supervisor, Administrator, Faculty or Any Employee

All College employees are required to report all information about sex and gender violence and any violation of the College's Non-Discrimination Policy to a supervisor or directly to the Associate Vice President of Operations. Such conduct cannot be kept secret or confidential. Information will be shared among College employees only on a need-to-know basis, but federal law may require that the College open an investigation.

### Reporting to the Associate Vice President of Operations

Sex and gender-based violence can be reported to the Associate Vice President of Operations, who is the College's Title IX Coordinator, and works closely with Human Resources and the Dean of Students. The Associate Vice President of Operations can start an investigation, assist the survivor with campus safety options, and connect the survivor to local support, medical, and counseling resources. The Associate Vice President of Operations investigation is separate from any criminal process and can be pursued simultaneously. The Associate Vice President of Operations can determine whether College policies have been violated and then make recommendations to either the Dean of Students, if the responding party is a student, or to the relevant supervisor or Associate Vice President of Operations, if the responding party is an employee. The Associate Vice President of Operations shares information about cases only on a need-to-know basis but cannot guarantee confidentiality.

Click on the links below for Associate Vice President of Operations contact information or to file a complaint.

- Associate Vice President of Operations contact information, see page 23, above.
- File a complaint, see page 20, above.

### Reporting to Law Enforcement

Sex and gender based violence can be reported to law enforcement. Reporters are urged to preserve any evidence and to also seek medical and counseling services. Law enforcement can assist with filing criminal charges and related matters. Call 911 for immediate emergency assistance. For related public safety issues on campus, contact the Public Safety Department:

Cranford Campus, 908-709-7152;

Elizabeth Campus, 908-965-6070;

Plainfield Campus, 908-412-3595; Scotch Plains Campus, 908-709-7152.

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## Sex or Gender Based Violence Was Reported to You

If you are told about sex or gender based violence, please review the below sections to determine your reporting requirements or to learn about resources available to you. Regardless of your reporting requirements, UCNJ Union College of Union County, NJ encourages reporting of all forms of sexual harassment and sexual misconduct and takes these reports very seriously. Please view the below sections to determine your responsibilities.

### UCNJ Union College of Union County, NJ Employees

All College supervisors who have information regarding an incident or situation involving sexual harassment or sexual misconduct are required to promptly report the incident to the Associate Vice President of Operations, who also is the institution's Title IX Coordinator, or to one of the Deputy Title IX Coordinators, or a supervisor. Supervisors must take immediate action to end offending conduct and protect the well-being of the reporting party. Supervisors must take such interim measures in consultation with the Associate Vice President of Operations and Human Resources. All other employees are strongly encouraged to report any incident or situation of which they have knowledge.

### Students

UCNJ Union College of Union County, NJ strongly encourages students and others to report incidents of sexual harassment, sexual misconduct, sexual assault, and other forms of sex and gender-based violence, to the Associate Vice President of Operations, who is the College's Title IX Coordinator, or one of the Deputy Title IX Coordinators.

### Reporting to Police

Anyone who has experienced or witnessed sexual misconduct, sexual assault, stalking, domestic or dating violence, or another crime may choose to report the incident to the police. The College's process is separate from the criminal process and can be pursued simultaneously. In most cases, the Associate Vice President of Operations will defer to the reporting party's wishes regarding whether to contact police and/or file a complaint; however, some situations in which the safety of the College community or other considerations may require the Associate Vice President of Operations to report an incident to police. The Associate Vice President of Operations will attempt to inform the reporting party of its decision when this occurs.

### Other Reporting

Under New Jersey state law, **any person** having reasonable cause to believe that a child has been subjected to abuse or acts of abuse shall immediately report this information to the State Central Registry of the Department of Children and Families:

Child Abuse/ Neglect Hotline (State Central Registry Hotline) 1-877-NJ  
ABUSE (1-877-652-2873)

If the child is in immediate danger, call 911 as well as the hotline, above.

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### Secondary Trauma

If you learn of sex or gender based violence, you may experience something referred to as “secondary trauma.” If you need to speak with somebody about your concerns, you can reach out to one of the College Title IX Coordinators for a counseling referral, see page 32. You may also contact an off-campus advocate hotline, see page 43, below.

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## **Safety Options**

If you have experienced sex or gender based violence, there may be campus safety options available to you, as well as protection orders and safety shelters.

### **Campus Safety Options**

After receipt of a complaint of sexual misconduct, the Associate Vice President of Operations will assess whether immediate actions must be taken for the safety and security of any person involved. The Associate Vice President of Operations works with the Dean of Students, Public Safety, and others, as needed, to assist reporting parties with potential interim safety measures during an investigation. See page 15, above.

### **Restraining or Protection Orders**

A protection or restraining order is issued by a state or municipal court and requires another person to remain a certain distance away from you at all times and prohibits any contact or communication. More information can be found at the links below. If you are in immediate danger, dial 911. For information on obtaining a restraining order in New Jersey, see page 48, below; see also, Legal Advocate/Legal Services, at page 44, below.

### **Shelters**

Domestic violence victims and their children can temporarily access safe and secure shelters in the Union County area. For Shelters, see page 45.

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## **Education and Training**

The Associate Vice President of Operations seeks to raise awareness surrounding civil rights and Equal Employment Opportunity issues through educational endeavors, and, thereby, improve campus climate, improve best practices, and contribute to recruiting and retaining a diverse workforce that will meet the needs of UCNJ Union College of Union County, NJ.

The Associate Vice President of Operations will work with departments and units to design a class or educational offering that is responsive to the needs of the participants in the following areas:

- Discrimination Awareness and Prevention
- Sexual Harassment Awareness and Prevention
- Sexual Misconduct Awareness and Prevention
- Equal Employment Opportunity Issues for Supervisors

### **Employee Training**

Human Resource provides a mandatory online Discrimination and Sexual Harassment Prevention course which is required for all current faculty, administrative professionals, civil service, and bargaining unit employees. New employees must complete the course within 6 months of date of hire. This course is designed specifically for employees and supervisors.

### **Student Training**

This training serves as an introduction to students about the College's policies on non-discrimination, and it provides information about the College's process to respond to complaints of discrimination, harassment, and sexual misconduct.

### **New Student Orientation**

This training serves as an introduction to new students about safety on campus, resources, definitions, and bystander prevention.



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## Training Request Form

### Training Request

College units can request specific presentations to fit the needs of their area. You may submit a request to the Associate Vice President of Operations, MacDonald Hall, (908) 709-7046, or by completing this form and sending it by interoffice mail.

- Name
  
- Unit or Office
  
- Phone
  
- Email
  
- Date Requested - From:
  
- Date Requested - To:
  
- Brief Description of specific presentation needs: