DIVISION OF STUDENT AFFAIRS
OFFICE OF THE DEAN OF STUDENTS
SEXUAL HARASSMENT POLICY

Section I: POLICY STATEMENT

It is the policy of New Jersey City University that no member of the university community - students, faculty, administrators, or staff - may sexually harass any other member of the community. Sexual Harassment is a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991). Under certain circumstances, sexual harassment may constitute sexual assault or abuse. All members of the University community must be allowed to pursue their activities at New Jersey City University free from unsolicited and unwelcome sexual advances or conduct. New Jersey City University regards sexual harassment to be a violation of the standards of conduct required of all persons associated with the institution and recognizes that it is a violation of state and federal law. The University will fully comply with all civil laws prohibiting sexual harassment and all criminal laws concerning assault. Accordingly, the University prohibits any and all acts of sexual harassment during any University instruction or university-related activities by and of employees and students. Immediate and appropriate action will be taken against violators of this policy.

The Office of the Dean of Students and the Sexual Harassment Committee have a responsibility to ensure that the University's learning environment is free from sexual harassment. These units bear the primary responsibility for encouraging and maintaining a learning environment free from sexual harassment. The Office of the Dean of Students and the Sexual Harassment and Assault committee are free to act, and are expected to act, on this responsibility, wh

harassment involves men harassing women, either men or women can be harassed by members of the same and/or opposite sex. This policy prohibits all forms of sexual harassment. Sexual Harassment is illegal. It includes, but is not limited to:

Quid Pro Quo Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission or rejection of such conduct is made a condition of academic evaluation or the conferral of any benefit. It involves an implicit or explicit threat that if the student does not accede to the sexual demands of someone in authority he or she will suffer adverse consequences.

Hostile Environment Harassment – Unwelcome conduct that would have not occurred but for the student's gender, that is severe or pervasive enough to make a reasonable person of the same sex believe that the conditions of the student's education are altered and the academic environment is hostile or abusive. The complained-of conduct need not be sexual in nature to constitute hostile environment sexual harassment. Although quid pro quo harassment, by definition, requires that the harasser be someone in a position of authority over the student, hostile environment harassment can occur when anyone in the campus community, including a student, harasses another person. An individual's intent or lack of intent to harass is not relevant to the determination of whether harassment occurred.

Consensual Relationships – Consensual romantic and sexual relationships between student and faculty or staff are strongly discouraged. No person involved in a romantic or sexual relationship with a student shall have responsibility for evaluating the student's academic performance or for making decisions regarding the student's rights or benefits because of the inherent conflict or interest. Such relationships may become the basis for serious charges of sexual harassment. These relationships may also appear to others as exploitative even if the parties view their relationship as consensual.

Examples of Sexual Harassment

The following examples are illustrative of conduct that, if proven, would be considered by the University to establish sexual harassment in either an employment or an academic setting:

A. Pressure for a dating, romantic, or intimate relationship
B. Unwelcome, unnecessary and/or inappropriate touching, such as patting, pinching, hugging, or brushing against an individual's body
C. Pressure for or forced sexual activity
D. Belittling remarks about a person's gender or sexual orientation
E. Inappropriate sexual innuendoes or humor
F. Offensive sexual graffiti, pictures, or posters (about another individual or posted in common areas with the intent to offend)
G. E-mail and Internet use that violates this policy
H. Unsolicited, unwelcome flirtations, advances, and/or propositions of a sexual nature
I. Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender
J. Unwelcome sexually-oriented and/or obscene gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience
K. Inappropriate displays of sexually suggestive objects or pictures
L. Leering or ogling
M. Uninvited letters, e-mails and telephone calls of a sexual nature

N. Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, or status, salary, academic standing, grades, receipt of financial aid and/or letters of recommendation, etc.

Section IV: CONFIDENTIALITY

Complaints filed with the Office of the Dean of Students and/or the Speicher-Rubin Women's Center will be handled with sensitivity throughout the process. Confidentially will be maintained to the extent possible.

A. All persons involved in a case are expected to maintain confidentiality, particularly within the work, study, or living area in question.

B. Terms of confidentiality, including the need to disclose information that restores a unit to effective functioning, may be agreed on during informal action or mediation between the complainant and respondent, or, in the case of the formal procedure, as determined by the Administrative Head of Unit.

C. For educational purposes, the Sexual Harassment Committee may discuss specific cases and their resolutions without identifying information.

D. Normally, documents created in the course of the procedures under this policy shall be treated as confidential and are retained by the Office of the Dean of Students in confidential files in accordance with that Office's policy on confidential records.

E. The record of the complaint and final decision shall be retained in a file in the Office of the Dean of Students.

D. Confidentiality may not apply to persons subject to extra-University judicial processes or where disclosure is required by law.

Section V: RETALITATION

The University offers a student an informal resolution process as an alternative to the formal

D. As part of the investigation, the Office of the Dean of Students will refer the case to the Sexual Harassment Committee who will meet with all parties. Throughout the investigation, the confidentiality of all participants will be maintained to the extent possible.

E. Upon conclusion of the hearing, the chair will forward the committee's recommendations to the Office of the Dean of Students for disposition.

F. The final decision of the Office of the Dean of Students includes remedial measures, such as a referral to the appropriate University administrative office for disciplinary action. The final decision will include general information regarding rights to appeals.

G. Sanctions for students found to have violated these procedures range from a warning to expulsion and referral to the criminal justice system. Disciplinary action will comply with relevant law and regulations.

Section X: RIGHTS OF COMPLAINANT/RESPONDENT

The complainant and the respondent are, entitled to support and assistance at all times during the Sexual Harassment resolution process. The Office of the Dean of Students is available and willing to provide assistance and support to complainants and respondents.

Rights of the Complaining Party

In addition to the rights outlined in the Code of Conduct, any student who believes that he/she has been subjected to sexual harassment in violation of this Policy is urged to promptly pursue the matter and to file a complaint in accordance with the procedures described in this policy. The complaining party will not be reprimanded, retaliated against, and/or discriminated against in any way for initiating an inquiry or complaint in good faith.

Rights of the Alleged Subject

In addition to the rights outlined in the Code of Conduct, a person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final administrative finding of responsibility or an admission to the charge by that person.

Section XI: ROLES AND RESPONSIBILITIES

A.

3. advise and assist the members of the Sexual Harassment Committee, Administrators and others seeking direction in the handling of complaints

4. assist persons wanting to initiate the informal resolution process or the formal hearing process and facilitate arrangements in connection with those procedures

5. in consultation with the Sexual Harassment Committee, develop and provide education to the University community on the prevention of sexual harassment

6. in consultation with the Sexual Harassment Committee, coordinate and ensure appropriate and regular training for the Sexual Harassment Committee others involved in the application of the sexual harassment procedures

7. maintain confidential records on all allegations of sexual harassment

8. serve as a resource to the Sexual Harassment Committee

B. Sexual Harassment Committee/Hearing Panel

The Sexual Harassment Committee will be composed of a pool of fifteen or more individuals (a combination of faculty, staff, and students), five of whom will hear each complaint. The Committee is trained to, and charged with the responsibility of, listening to the allegations and any responses, making a decision as to the validity of the charge, and making a recommended decision and sanction.

C. Selection Process

The pool from which the members will be selected shall consist of representatives from the following categories: students, support personnel (clerical/secretarial, technical/paraprofessional, process andl, lSexu

bribes; or further harassment of any nature. Acts of retaliation may be subject to disciplinary action pursuant to section.

Section XIII: INTERIM MEASURES

The University may, at any time during the processing of a complaint, take necessary steps to ensure the health, safety, and security of any member of the University community.

Section XIV: DISCIPLINARY SANCTIONS

A conclusion that sexual harassment has occurred shall subject the offender to appropriate disciplinary action and may result in suspension, discharge, expulsion or dismissal. University disciplinary procedures and possible sanctions are described in the Student Code of Conduct. Sanctions imposed will be determined on the basis of the facts of each case and the extent of harm to the University's interests.

Section XV: EXTERNAL COMPLAINT PROCESS

In addition to using the University's internal procedures, a student has the right to file a complaint with federal and state agencies that investigate discrimination charges. An external complaint must be filed directly with the agency. The agencies also should be consulted concerning time deadlines for filing.

For Title IX violations:
Office for Civil Rights
U.S. Department of Education
New York Office
75 Park Place, 14th Floor
New York, New York 10007-2146
(212) 637-6466

For violations of the New Jersey
Law Against Discrimination:
New Jersey Division of Civil Rights
Essex County Regional Office
31 Clinton Street
Newark, New Jersey 07102
(973) 648-2700

Other Resources: If needed, the following counseling services are available to students:

The Office of the Dean of Students – Business Development Incubator, Room 254, Ext. 3525
The Health and Wellness Center – Vodra Hall, Ext. 3456
Counseling & Psychological Services – 54 College Street, Ext. 3165
Speicher-Rubin Women's Center – Grossnickle Hall, Room 423, Ext.3189