



GEORGIAN COURT UNIVERSITY

THE MERCY UNIVERSITY OF NEW JERSEY

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What is Title IX?

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”

– Title IX of the Education Amendments of 1972.

Georgian Court University is committed to providing equal opportunity to its students and employees. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment, gender-based and sexual misconduct. On April 4, 2011, the Office of Civil Rights of the Department of Education released a “Dear Colleague Letter” (DCL) explaining the requirements of Title IX and the responsibilities of schools to take immediate and effective steps to respond to sexual misconduct (to include sexual harassment and sexual violence) in accordance with the requirements of Title IX.

In accordance with our obligation, Georgian Court University will seek to prevent, correct, and address behavior of prohibited misconduct. Discrimination, harassment, or retaliation against students, faculty, and staff are strictly prohibited and will not be tolerated. The Title IX Coordinator is responsible for reviewing Title IX reports made to University employees and will determine the appropriate course of action to investigate the report. This means that the Title IX Coordinator/Deputy or Investigator may contact identified complainants, potential perpetrators and witnesses. In addition to ensuring that all reports of sexual misconduct and discrimination are properly investigated by the University, GCU may also identify and address any patterns or systemic problems that arise during the review process.

Georgian Court University is committed to the Bill of Rights as established by the state of New Jersey, which articulates policies, procedures, and services designed to ensure that the needs of potential victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

The university is committed to creating an environment that is free from intolerance directed toward individuals or groups and strives to create and maintain an environment in which people are treated with dignity, decency, and respect. In furtherance of this commitment, the university will seek to prevent, correct, and discipline behavior that violates this policy.

The policy applies to all members of the university community, including students, employees, faculty, staff, third parties, and volunteers in connection with university activities. It further applies to on- or off-campus behavior involving students. All members of the Georgian Court community are encouraged to immediately report any act of sexual misconduct. In addition, they should feel free to raise any questions or concerns regarding issues of sexual or gender-based harassment or misconduct. Appropriate disciplinary action will be taken for those in violation of this policy.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of discrimination, including discrimination based on gender identity. Title IX also prohibits pregnancy and parenting discrimination against students.

The protections of Title IX also extend to sexual harassment and sexual assault or violence that impairs or interferes with access to equitable educational and employment opportunities. Examples of the types of discrimination that are prohibited under Title IX include sexual harassment, sexual assault/sexual violence, discrimination based on pregnancy and the failure to provide equal opportunity. The Violence Against Women Act (VAWA) provides protections to individuals who are the target of sexual violence, domestic/dating violence, and stalking.

Each school must designate a Title IX Coordinator to review, update and implement current Title IX policies, to coordinate appropriate training and resources, and ensure effective and timely responses to complaints of sexual violence, misconduct, discrimination, or harassment. A Title IX representative will work with a complainant to gather information on the complaint and provide resources. There are certain immediate steps that can be taken to ensure the complainant feels safe. All complainants, respondents, and witnesses will be treated equitably and there will be respectful and timely communication. Cases are considered on an individual basis and prompt review is based on preponderance of the evidence.

What is Sexual Harassment/Sexual Assault?

Sexual Harassment

Unwelcome sexual advances, requests, or demands for sexual favors, and visual, verbal, or physical conduct of a sexual nature including, but not limited to, unwelcome sexual comments, sexual teasing and joking, and other conduct directed toward a person because of that person's gender constitute sexual harassment when such conduct is:

- sexual in nature
- unwelcome and denies or limits a student's ability to participate in or benefit from a school's educational program

Incapacitation

Is the state in which a person's perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. It is the inability (temporarily or permanently) to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes sexual misconduct.

Sexual Assault

Includes unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. It can consist of non-consensual sexual contact or intercourse, including, but not limited to:

- Sexual contact - intentional touching, either of the reporter or when the reporter is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, or buttocks
- Sexual penetration - vaginal intercourse, cunnilingus, fellatio, or anal intercourse whether by an acquaintance or a stranger without consent
- Attempted rape
- Sexual penetration with insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor's instruction, the depth of insertion is not relevant

What Should I Report?

Georgian Court University is committed to maintaining an environment conducive to learning for all students and a professional workplace for its employees that are free from offensive and unwelcome conduct, actions, and words directed at anyone. Georgian Court University prohibits discrimination, discriminatory harassment, and sexual harassment, including sexual violence and any type of sexual misconduct. This includes, but is not limited to, sexual violence, domestic violence, dating violence, sexual assault, stalking, discrimination, discriminatory harassment, or retaliation. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable or unable to give consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion. Retaliation against anyone who reports in good faith or participates in the investigative process is prohibited. The University encourages any individual who believes he or she has been the victim of discrimination, harassment, sexual violence, or retaliation to immediately report the incident or incidents giving rise to such concerns.

Reporting Information

Complaints under Title IX or VAWA may be directed to Georgian Court University's Title IX Coordinator, Deputy Coordinators, Dean of Students, Security, or any faculty/staff member.

On Campus:

Tracey Owens, Title IX Coordinator; Director of Human Resources
Finance/HR Administration Building 851 Lakewood Avenue
towens@georgian.edu; 732-987-2287

Amani Jennings, Deputy Title IX Coordinator; Dean of Students
Casino
ajennings@georgian.edu; 732-987-2601

**Mary Williams, Deputy Title IX Coordinator; Associate Director of Athletics
for Compliance & Student Athlete Welfare**
Wellness Center
mwilliams@georgian.edu; 732-987-2472

GCU Security Department - 732-987-2611

Off Campus:

Lakewood Police Department
231 Third Street, Municipal Building
Lakewood, NJ 08701
Phone 732-363-0200, ext. 5712

Office of Civil Rights (OCR)
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-1100
Customer Service Hotline: (800) 421-3481

Rights of a Complainant

- To have disclosures of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or sexual exploitation treated seriously.
- To file a complaint with the appropriate local law enforcement authorities and to obtain assistance from the university in doing so.
- To file a complaint on campus and to avail oneself of the process for doing so including, but not limited to, the following: an adequate, reliable, prompt and impartial investigation of complaints; an equal opportunity to present relevant witnesses and other evidence; and an equal opportunity to file an appeal.

Rights of a Complainant & Respondent

- To be treated with respect, integrity, compassion and equity throughout the process.
- To be accompanied by an advisor during any meeting, interview, or hearing conducted in connection with your complaint.
- To seek support services at or through the university (e.g., on- and off-campus counseling, mental health or other services).
- To request and receive a housing or academic modification if such a modification is reasonably available.
- In accordance with federal guidelines, the university utilizes a “preponderance of the evidence” standard in the adjudication of all complaints of prohibited conduct. This means that the university will decide whether it is “more likely than not,” based upon the information provided, that the respondent is responsible for the alleged violation(s).
- The university is committed to protecting the privacy of all individuals involved in a report of misconduct under this policy consistent with the need for a thorough review of the prohibited conduct by the University.
- All university proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (“FERPA”), the Clery Act, Title IX, university policy, state and local laws.
- The university has 60 days to complete the investigation. If an extension is required the complainant/respondent will be notified in writing.
- Both the complainant and the respondent are entitled to the same opportunities to present information and witnesses, consistent with applicable university procedures, and both are informed simultaneously in writing of the outcome.

- In cases that involve both a complainant and a respondent, either party may file a written request to appeal. Students may file an appeal with the Dean of Students and faculty and staff may file an appeal with their Cabinet member within seven days of receiving the written outcome. The request to appeal must include the ground(s) for appeal and the basis for each. The following are the limited reason(s) for an appeal:
 - erroneous findings of fact
 - procedural irregularities in the conduct of the hearing
 - new and relevant evidence not known at the time of the hearing
 - the sanctions imposed were grossly disproportionate to the violation committed
- To be protected from retaliation by any member of the university community for reporting your experience or participating in the University process.

For Student Appeals: Amani Jennings, Dean of Students

Casino

ajennings@georgian.edu; 732-987-2601

For Faculty and Staff Appeals: Janice Warner, Interim Provost

Jeffries Hall

jwarner@georgian.edu; 732-987-2390

The term “Complainant” refers to an individual who is reported to have experienced an incident of sexual or gender-based harassment or misconduct. ¹ The term “Respondent” refers to an individual who is reported to have committed an act of sexual or gender- based harassment or misconduct.

Title IX Advisor Role

Title IX advisors are individuals that provide support throughout a Title IX investigation and will not make decisions for the individual they are supporting and they will not speak on their behalf. The role the advisor serves is to guide/support an individual through the process of an investigation; assuring the individual they are supporting has awareness of their rights and the ability to exercise them and providing assistance with access to additional support resources, both on and off campus.

A Title IX Advisor may guide and assist individuals with:

- Providing general support during what can be a stressful process.
- May attend any meetings or proceeding throughout the resolution process with individuals (e.g. interviews with investigators, etc.), but may not participate, except to advise the individual.

Get Help/Assistance

Emergency Response

- **Monmouth Medical Center** (Southern Campus) is located at 600 River Avenue, Lakewood, NJ 08701 and can provide urgent medical services. (Physicians are a confidential resource).
- **Ocean Medical Center** is located at 425 Jack Martin Blvd, Brick, NJ 08724.
- **Lakewood Police Department** is located at 231 Third Street, Municipal Building, Lakewood, NJ 08701; Phone 732-363-0200, ext. 5712; can be reached by dialing 911 in an emergency.

On Campus Resources

- **Security Department - (not confidential)** - 732-987-2611 Available 24/7 - individuals can file a formal complaint. Department of Public Safety can discuss available options and assist reporter(s) to decide on a course of action. For resident students, this can include a change in academic/living situations; for employees can include change in office.
- **The Counseling Center - (confidential)** - 732-987-2680; Casino Building, 2nd Floor - the Center provides both immediate crisis intervention and therapy to recent or past survivors of sexual violence. Can be seen individually or in a group with others who have experienced similar trauma. Therapists can be accessed by appointment, walk-in or after-hours emergency
- **Health Services (confidential)** - 732-987-2756; Casino Building, 2nd Floor - provides information and makes referrals to off-campus clinics, specialists, testing facilities and pharmacies.
- **Providence House (confidential)** - 732-987-2479; Jeffries Hall 127 - provides advocacy, support services, information, and referrals to individuals who have, or think they may have experienced sexual assault, sexual misconduct, stalking, and dating or domestic violence.
- **Father Anthony DiPalma; Chaplain (confidential)** - 732-987-2620; 1st floor Mercy Hall

Off-Campus Counselors & Advocates

Off-campus counselors, advocates, and health care providers will also maintain confidentiality and do not have to share information with the university unless the complainant requests the disclosure and signs a consent form. Off-campus resources:

- **St. Francis Counseling Center** (Southern Ocean County) Phone Number: 609-494-1554 or Rape Crisis Hotline 609-494-1090.
- **Providence House Domestic Violence Services** (Ocean & Burlington Counties)
Ocean County: Phone Number: 732-244-8259 or Domestic Violence Hotline: 1-800-246-8910. Burlington County: Phone Number: 609-871-7551 or Domestic Violence Hotline: 1-877-871-7551.
- **180/Turning Lives Around (Monmouth County)** Phone Number: 732-264-4111 or Sexual Assault Hotline: 1-888-264-7273 or 732-264-7273; Domestic Violence Hotline: 1-888-843-9262.
- **Preferred Behavioral Health (Ocean & Monmouth Counties)** Phone Number: 732-367-4700.
- **NJ Coalition Against Sexual Assault (NJCASA)** Hotline: 1-800-601-7200 24 hours a day/7days a week.

Title IX Checklist

The attached checklist can be used in discussions with any victim of sexual misconduct. These items do not need to be discussed in any particular order.

- ✓ Determine if the person requires immediate medical attention. If so, call 911.
- ✓ Ask the person if he or she would like you to contact the police. If so, call 911, GCU Security at ext. 2611, or contact the Lakewood Police Department, located at 231 Third Street, Municipal Building, Lakewood, NJ 08701; Phone: 732.363.0200, ext. 5712. If not, you should respect the victim's wishes at that time.
- ✓ Advise the victim that you can protect their privacy, but you cannot promise confidentiality. Inform the victim that you are required to report the incident to the University, but you will not tell anyone else. Let the victim know that the Title IX Coordinator/Deputies/Dean of Students/Investigators may be in touch with her or him.
- ✓ Reassure the person that acts of sexual misconduct such as sexual assault, relationship violence, and stalking are never her/his fault. Thank the person for telling you what happened and assure her/him that you have a list of resources that might be helpful. You may also encourage her/him to check in with you or that you will follow-up to see how she/he is doing in a few days or weeks.
- ✓ Show the person the list of available resources (included in this brochure).

- ✓ Advise the person that she/he has the right to file a complaint or not to file a complaint with the University.
- ✓ The University must take action against a Respondent, even if that is against the complainant's wishes. The University undertakes these decisions very carefully and would inform her/him and take appropriate steps to ensure her/his safety prior to taking any action against the respondent.
- ✓ Advise the person that he or she has the right to contact or not to contact the police at any time. An incident on campus may be referred to campus security. An incident off-campus may be referred to the Lakewood Police or the appropriate police jurisdiction.
- ✓ Some people are in situations where they don't feel safe going to classes, going home, or going to work. If this is the case, inform the person that there are people on campus that can help them feel safe. Advise her/him that assistance can be provided by the University for changing academic, living, and working situations if requested, and reasonably available, regardless of whether she/he chooses to report the situation to the police.
- ✓ Inform the victim that retaliation by the alleged respondent or anyone else is prohibited and will be addressed by the University. The University wants to make sure the fear of retaliation doesn't prevent the person from reporting the incident either to the police or formally to the University. If the victim experiences any retaliation, he or she should immediately inform the University.

