SEXUAL MISCONDUCT POLICY

POLICY SUMMARY
As a Catholic institution of higher education, Saint Elizabeth University is a community of learning, which is based on the trust, respect, and dignity of its members, and celebrates God’s love for all. As such, the University expects high standards of personal behavior and responsibility from its students, faculty, and staff and calls on all members of its community to act from a commitment to justice, mercy, and compassion, and in light of Catholic Social Teaching, to develop respect and responsibility for others. With these values as its foundation, the University is therefore committed to fostering an educational and working environment that is free from all forms of sexual misconduct as defined in Section I of this policy. In recognition of the dignity and value of all members of the University community, incidents of such behavior will not be tolerated. Every member of the campus community (including faculty, staff, students or third parties) is responsible for ensuring that incidents of sexual harassment, discrimination on the basis of sex, sexual assault, and/or sexual misconduct do not occur, and should they occur, assume the responsibility for reporting them.

POLICY STATEMENT
Membership in Saint Elizabeth University does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by the University’s policies. While federal, state, and local laws and University policy may overlap; they operate independently and do not substitute for each other. The University may pursue enforcement of its policies regardless of legal action or the potential for legal action. Therefore, a student or employee found in violation of University policy will be disciplined by the University, as outlined in the appropriate University policy, and may face prosecution under state or federal criminal statutes.

Individuals, who believe they have experienced or witnessed an incident of sexual misconduct, or who believe that they are the target of other forms of discrimination on the basis of sex, as defined in this policy, are encouraged to report their concerns to the Saint Elizabeth University as outlined below. The process, as outlined in the Investigation & Resolution Procedures, will be followed whenever a report is made that alleges conduct that may be in violation of the Sexual Misconduct Policy (“Policy”).

A. PROHIBITED CONDUCT
Saint Elizabeth University prohibits the following specified conduct:

1. Sexual Harassment
2. Sexual Assault
3. Sexual Violence
4. Sexual Misconduct
5. Dating Violence
6. Domestic Violence
7. Gender Based Harassment
8. Stalking
9. Sexual Exploitation
10. Retaliation

B. Definitions

1. **Sexual Harassment** is conduct on the basis of sex that satisfies one or more of the following:
   a. An employee who’s condition or a student who’s education benefits from participation in unwelcome sexual conduct (i.e., quid pro quo); or,
   b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity; Sexual Assault as defined.

2. **Sexual Assault** (as defined in the Clery Act) includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. Sexual Assault is sexual penetration of another person under any one of the following circumstances:
   a. under the legal age of consent;
   b. through the use or perception of physical force, threat or coercion; or,
   c. with a person who is incapable of giving consent because of temporary or permanent mental or physical incapacity.

3. **Sexual Violence** is a severe form of harassment defined as any physical act of sexual nature based on sex and perpetrated against an individual without consent or when an individual is unable to freely give consent. Physical acts of a sexual nature include, but are not limited to, touching or attempting touching of an unwilling person’s breast, buttocks, inner thighs, groin, or genitalia, either directly or indirectly, and/or sexual penetration of another person’s oral, anal, or genital opening with any part or object.

4. **Sexual Misconduct** is defined as any sexual act or sexual contact upon another person without his or her explicit consent, which is a sexual offense under New Jersey criminal law. Sexual Misconduct encompasses the act of sexual assault.

5. **Dating Violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes:
   a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
   b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
i. The length of the relationship
ii. The type of relationship
iii. The frequency of interaction between the persons involved in the relationship.

6. Domestic Violence (as defined in the VAWA amendments to the Clery Act) is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New Jersey, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of New Jersey.

7. Sex/Gender based Harassment: Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. One form of harassment is unwelcome verbal or physical conduct based on sex that, because of its severity, persistence, and or perverseness, creates a hostile environment by interfering significantly with an individual’s work or education, or adversely affecting an individual’s living conditions.

The other form is abuse of authority to engage in unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is explicitly or implicitly made a term or condition of an individual’s employment or education; or,

b. Submission to or rejection of such conduct is used as a basis for decisions affecting an individual’s education or employment.

8. Stalking (as defined in the VAWA amendments to the Clery Act) is defined as purposeful conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or causes the person to suffer substantial emotional distress (e.g. significant mental anguish that may, but does not necessarily require medical or other professional treatment or counseling). Stalking is a pattern (two or more occurrences) of malicious acts, including, but not limited to, acts which the stalker directly or indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. Cyber-Stalking is a particular form of stalking in which a person uses electronic media, such as internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact that causes fear or substantial emotional distress for another person.

9. Sexual Exploitation is when one person takes 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. Examples of sexual exploitation include, but are not limited to, prostituting another person; nonconsensual video or audio-taping or photographing of nudity or sexual activity; unauthorized posting or distribution of materials involving the sexual activity or nudity of another person(s);
tampering with birth control or condoms; or knowingly transmitting a sexually transmitted infection or HIV to another person.

10. Retaliation is prohibited under all University policies. Retaliation against an individual who has made a good faith report alleging a violation of this policy, participated in the investigation of a policy violation or otherwise exercised their rights under this policy or the law is prohibited. Retaliatory conduct against any individual who has filed a report, who has reported witnessing a policy violation, who has participated in the investigation or resolution process, or who has been the subject of an investigation or the subject of a report, is a violation of this policy and is grounds for discipline and/or remedial action. Retaliation is an offense separate and apart from the underlying alleged policy violation(s) and will be considered independently. Retaliation is grounds for immediate disciplinary action against the perpetrator of the retaliation up to and including expulsion of students and dismissal of employees. Anyone who believes that he/she may be or has been the victim of retaliation should discuss this concern with the Vice President for Student Life (students), the Vice President of Academic Affairs (faculty), or the Director of Human Resources (staff).

C. Consent
To constitute lack of consent, the acts must be committed either by force, intimidation, or through use of the victim’s mental incapacity or physical helplessness due to drug or alcohol consumption, mental deficiency, being asleep/unconscious, and/or being under the legal age of consent according to New Jersey law. Agreement given under such conditions does not constitute consent. The definition of consent does not vary based upon a particular sex, sexual orientation, gender identity, or gender expression.

Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

If employees of the University, whether faculty, graduate assistants, students, or other University employees, introduce sex into a professional relationship with a student, they abuse their position of authority. In response to power imbalanced caused by the inherent differential in authority, the University prohibits any employee of the University or an employee of a vendor contracted by the University, from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any currently enrolled student. Additionally, the University prohibits any member of the community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee whom the person supervises or evaluates in any manner. This includes student workers who supervise other students as part of their campus employment responsibilities.

D. COMMITMENT TO AWARENESS AND RESPONSE TRAINING
The University is committed to educating the campus community about the prevention of sexual harassment, sexual misconduct, discrimination, and harassment through appropriate awareness and response training programs. The University provides regular sexual harassment awareness and response training programs for faculty, staff, students, campus security authorities, athletic coaches, and residence life staff members.

**Prevention Programs & Awareness Campaigns:**
The University offers several programs to prevent dating violence, domestic violence, sexual assault, and stalking that are relevant to the campus community. Students can find information about these programs in the Counseling Center, or the office of the Vice President for Student Life. Faculty and staff receive annual training and development through the University. The University also offers on-going programs and awareness campaigns designed to increase the level of understanding on topics such as acts of violence including dating, domestic, and sexual violence as well as stalking. Listed below are examples of the prevention program and awareness campaigns at Saint Elizabeth University.

1. Annual online sexual assault prevention program for students and employees;
2. Mandatory in-person training as part of first-year Orientation programs for traditional undergraduates, and during employee orientation for new faculty and staff;
3. Healthy relationship infusions through the University’s General Education Program;
4. Safety presentations by Student Life and Campus Security;
5. First Year/Transfer Awareness Programs - The University hosts campus-wide programming to increase education awareness surrounding the topics of violence prevention, safety, and incident reduction;
6. Take Back the Night, a confidential awareness program providing a platform for campus community members to share personal stories as survivors, friends, and advocates;
7. The Clothesline Project, a JBWS partnered program educating the campus community on domestic and dating violence;
8. Denim Day, a program focused on raising awareness of sexual assault and violence against women and men;
9. Anti-Bullying Week programs focused on dating violence, domestic violence, and sexual misconduct/violence;
10. Awareness and Prevention Tabling by the Counseling Center. The on-campus Counseling Center provides information to the campus community throughout the year on dating violence, domestic violence, stalking, and sexual assault prevention and awareness;

**E. SUPPORT SERVICES**
The University also actively engages in several community partnerships to offer training, counseling, and preventative education. Services and training offered through the University’s partnership with the Morris County Sexual Assault Center include:
1. Advocacy services – trained advocates accompany survivors of sexual violence to local police departments, and the emergency room at Morristown Medical Center, and
2. Community education – covers a variety of topics related to sexual violence and harassment.

JBWS is a full-service domestic violence, and domestic abuse prevention agency offering:
• Confidential hotline 1-877-R-U-ABUSED or agency support (973) 267-4763
• Emergency safe house for women and their children
• Counseling and legal assistance
• Children’s services
• Transitional housing
• Life skills education/vocational counseling
• Community education
• Teenage dating abuse prevention
• Primary prevention
• Friends & Family support
• Batterer’s Intervention

Further information on sexual harassment and assault awareness, bystander intervention, and risk reduction can be found in the Counseling Center, Office of Human Resources, and the Office of the Vice President for Student Life.

The University is committed to collaborating with off-campus resources to provide specialized care to victims of sexual assault/violence in a supportive environment. Florham Park police officers have been trained by the Morris County Sexual Assault Center advocates on response to victims of sexual misconduct and violence. Individuals can choose to report an incident of sexual violence, domestic violence, dating violence, or stalking to the police by contacting the Florham Park Police: Emergency 911 or non-emergency (973) 377-2200. Individuals may also contact JBWS for assistance with domestic abuse or violence through the confidential hotline at 1-877-R-U-ABUSED or for agency support at 973-267-4763.

Every victim has the option to seek treatment for injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. An individual can seek this medical assistance by dialing 911, visiting the Morristown Medical Center, by calling the Morris County Sexual Assault Center at 973-829-0587, or through Residence Life at 973-985-7394.

The Morris County Sexual Assault Center also provides the following services:
• Sexual Assault Hotline: 973-829-0587 – confidential support and crisis counseling provided by a professional therapist, available 24 hours per day, 7 days per week.
• Sexual Assault Response Team (SART): An advocate certified forensic nurse and specially-trained law enforcement investigators address the medical, emotional and legal needs of survivors 13 years of age and up who are in acute crisis and have been sexually assaulted within a five-day period. Services are available through the Morris County Sexual Assault Center.
• Individual counseling & support groups are available to all survivors of sexual violence, as well as to their families and significant others.

F. HOW TO MAKE A REPORT
Faculty, students, and staff are strongly encouraged to report all incidents of harassment that they experience or observe, including sexual misconduct, sexual assault, or discrimination. Faculty and staff who learn of alleged incidents of harassment, sexual misconduct, sexual assault, or discrimination must report such information as outlined below. Prompt reporting makes investigation of the incident more effective, enhances the ability of the University to take action on a report, and aids the University in protecting the community. Individuals who wish to file a report should reference the Procedures for Investigations, Determinations, and Hearings. Members of the University community who experience sexual misconduct or violence are strongly encouraged to report the incident to the police. Campus officials will assist victims with such reports, if requested. Should the victim of sexual misconduct or violence decide not to report the incident to the police, the University reserves the right to determine if a risk to the community exists. If the University determines the community is at-risk, it reserves the right to contact the appropriate law enforcement authorities. Under such circumstances, every effort will be made to protect the victim’s privacy.

1. Employees Making a Report: 
Employees seeking additional information or wishing to file a complaint of sexual misconduct or a report related to discrimination, harassment, or assault on the basis of sex, race, creed, color, religion, handicap/disability, gender, age, marital status, sexual orientation, gender (including pregnancy) identity or expression, or national origin should contact the Director of Human Resources or, the Executive Assistant to the President.
• Kristi Russo, Title IX Coordinator, Lower Level, Santa Rita Hall, (973) 290-4478
• Meghan Aitken, Title IX Deputy Coordinator, 3rd Fl, Santa Rita Hall, (973) 290-4427

These campus officials will assist the reporting party to obtain help through either campus resources or outside referrals, notify law enforcement (if requested by the reporting party), and initiate the complaint process through the Title IX Coordinator, if appropriate and desired. If the reporting party names the Title IX Coordinator as the responding party (party named in the complaint as committing the policy violation), the complaint should be directed to the Vice President for Finance and Administration, or the Title IX Deputy Coordinator.
2. Student and Employee Reporting through the Advocate CARE system:
   In addition to the resources listed above, any member of the campus community can also report a concern of harassment or misconduct by visiting https://www.steu.edu/incidentreporting and click the SEU CARE Report button to complete a report. Individuals submitting a report will be asked to provide contact information so the appropriate University official may follow up for more details regarding the report, if necessary. In addition, an online report to the Title IX Coordinator can be filed here: www.steu.edu/title-ix/report.

3. Privacy vs Confidentiality:
   Saint Elizabeth University is committed to maintaining the privacy of all individuals involved in a report of alleged policy violations. In some instances, a reporting party may choose to take no action or to defer action until a later date in order to maintain anonymity. In these instances, the University reserves the right to limited disclosure and to take appropriate action to ensure the safety and well-being of members of the community.

   The privacy of all parties will be respected at all times. If a reporting party elects not to file a formal complaint, SEU reserves the right to take action in situations where, in the judgment of University officials, the interests of the wider University community may be affected. The University is obligated by law to take measures to remedy any harassment it confirms.

   References made to privacy mean Saint Elizabeth University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution to alleged policy violations, as appropriate. Saint Elizabeth will limit the disclosure as much as reasonably practicable.

   While the University encourages the reporting of all incidents of sexual misconduct, there are many options available for individuals to speak with someone confidentially. Licensed professional counselors provide mental-health counseling to members of the campus community and are not obligated to report any information to the University, but will provide referrals and resources to an individual in need. Confidential resources include:

   Confidential Resources:
   - Zsuzsanna Nagy, Director of Counseling Services, Wellness Center, (973) 290-4175
   - Morris County Sexual Assault Center Hotline & Crisis Counseling, (973) 829-0587

INDEPENDENT UNIVERSITY ACTION
The University reserves the right to investigate allegations of sexual misconduct, harassment, or discrimination pursuant to the procedures herein. The University may utilize either the
informal or formal resolution processes. This policy does not abrogate any rights accorded faculty under the University’s dismissal provisions as outlined in the Faculty Handbook.

Any University investigation may or may not coincide with a law enforcement investigation regarding the complaint. The University reserves its right to suspend or proceed with an internal investigation while law enforcement officers conduct an investigation and/or gather evidence. Regardless of external investigations, the University will continue to provide support resources and interim measures, as appropriate, to both parties during the duration of the University’s investigation and resolution process. If the University has chosen to suspend the internal investigation, once notified that the law enforcement has completed its gathering of evidence, the University will promptly resume its independent investigation.

The University also reserves the right to take any interim action – such as a no-contact order or interim removal from campus housing, or suspension of other rights or privileges – reasonably needed to protect the parties, or the campus community at any point during the investigation or resolution process. Details regarding such measures can be found in Investigation, Resolution and Live Hearing Procedures.