Sexual Harassment and Misconduct Procedures - Students

Reporting Discrimination and Harassment

Complaints of sexual harassment and misconduct, including domestic violence, dating violence, stalking, and sexual assault, involving a student should be reported to the Title IX Coordinator, Campus Life and Student Affairs (CLSA) professional staff, the Public Safety Department, or to the e-mail hotline: investigations@drew.edu. Names and contact information for these and other contacts and resources, including law enforcement, are listed on the Support and Resources page.

Drew University strongly encourages victims of sexual offenses to report those offenses to the Madison Police Department or the Morris County Prosecutors Office, and staff, if requested, will provide assistance in making such reports or contacts.

Anyone reporting a claim of discrimination, harassment, or sexual misconduct, should take all steps to preserve any documents, e-mails, texts, photos, videos, clothing, or other information, whether physical or non-physical, relating to the offense. The Madison Police Department and the Morris County Prosecutor’s Office’s Sexual Assault Response Team can provide important information and assistance in preserving evidence, including taking those steps necessary to preserve direct and intimate physical evidence, which should be done as soon after an incident as possible. In most circumstances, law enforcement will not pursue criminal charges without a complainant’s consent or cooperation.

Discussing Matters Confidentially

If you have questions or concerns about discussing a matter, or are simply not ready to make a report, to either Drew or to law enforcement, confidential counseling is available to you through the Drew University Center for Psychological and Counseling Services (Counseling Center), which can be reached at: http://www.drew.edu/Counseling/.

For Dating or Domestic Violence or Stalking support/resources, you can contact the Jersey Battered Women’s Services (JBWS) hotline at (973) 267-4763. JBWS also has a variety of resources beyond counseling, including assistance with restraining orders or other legal actions.

For Sexual Assault, you are encouraged to reach out to: Morris Cares (24/7 Hotline: (973)-829-0587), which provides confidential counseling and advocacy for victims of sexual assault as a component of the Morris County Sexual Assault Response Team.

When health or safety is at risk, the University’s Public Safety Department should be contacted immediately at (973)-408-3379.

Law Enforcement Resources Notifications – Sexual Misconduct

When sexual misconduct or other criminal sexual offenses, including domestic violence, dating violence, stalking, or sexual assault, are alleged, the person reporting the matter will be told about the availability of law enforcement resources and will be provided assistance in contacting
any law enforcement resource s/he requests. The Morris County Prosecutor’s Office and the Madison Police Department respond to allegations of criminal conduct, including sexual assault and other sexual offenses. In addition, the Morris County Prosecutor’s Office’s Sexual Assault Response Team (SANE/SART) Program and the Sexual Assault Nurse Examiner, Morris Cares, a component of SART provide counseling and advocacy for victims of sexual assault, and can assist in preserving evidence. SART can be contacted at: (973)-829-0587.

Law enforcement contact information, including phone numbers, can be found on the Support and Resources page.

**Interim Measures**

There are a variety of options to avoid contact by the parties to a complaint. Academic and curricular activities can be changed or modified, as well as living, transportation, dining, and working situations. Class schedules can be changed. Incompletes can be awarded. Courses may be dropped without penalty. Academic support can be provided. Alternative methods of attending a class can be explored and deadlines may be extended. Drew may also impose a variety of interim remedies designed to meet the goals of this Policy. Interim measures may include:

- No contact orders,
- Prohibitions on calls, texts, e-mails, electronic postings, , and scripted encounters,
- Geographical, time, and building restrictions
- Suspension from residential housing
- Suspension from academic courses
- Suspension from athletic or other extracurricular activities
- Check-in requirements

Students requesting a meeting following imposition of an interim measure may be accompanied by an advisor of their choosing, without voice, delay, or disruption, but must schedule such meeting prior to any change or modification.

Drew does have available, on-campus, a variety of support services and resources including housing assistance, academic support and accommodations, counseling, disability services, health and mental health services.

Contact information for advocacy and legal assistance for involved students is available on the contacts page at the end of this document.

Students seeking assistance should speak to the Dean of Students’ Office, which will coordinate assistance on behalf of the student.

Incidents that result in a threat of harm to the safety or well-being of other members of the campus community or that present a pattern of conduct posing risk can result in interim suspension or the imposition of interim restrictions from portions of the University.
**Legal Measures**

Students and employees may seek orders of protection or restraining orders in court. To the degree possible, Drew staff will provide assistance in contacting courts. Contact information is listed at the end of this document, including contact information for legal Services of Northwest New Jersey and JBWS, which can provide legal assistance in addition to counseling.

**Fact Finding**

Fact finding consists of an inquiry into the facts and circumstances of an allegation that the Drew University Sexual Harassment and Misconduct Policy has been violated. Fact-finding includes efforts to identify pertinent information, interview pertinent witnesses, and collect pertinent records. Both the complainant and the person complained against will be asked to identify potential witnesses or sources of information during fact-finding. Character, reputational, or other extraneous witnesses may not be interviewed at the discretion of the fact finders.

A report or complaint of sexual harassment or misconduct will be initially evaluated by the Title IX Coordinator or designee, including Campus Life and Student Affairs professional staff, and may result in a preliminary inquiry, administrative action, including interim measures or final disciplinary action, mediation, referral for additional fact finding, referral to another more appropriate process or forum, or dismissal, when the Policy is found not to have been violated. Referral for additional fact finding does not constitute a determination that a complaint or report is substantiated.

In matters involving allegations of sexual harassment and misconduct, permission to make an inquiry should be requested of a student. In the event that a complainant elects not to approve an investigation, Drew may nonetheless conduct fact-finding in order to address ongoing or potential threats. Consistent with federal guidance, these instances will be limited and Drew will make good faith efforts to limit the disclosure of that information to individuals involved in handling the school's response and will maintain information in a secure manner. A student’s request that his or her identity not be disclosed to the accused, or that fact finding not be commenced, could limit Drew's ability to respond fully to the incident and will preclude Drew from pursuing disciplinary action against the accused. Retaliation for reporting an incident were participating in fact-finding, whether by other students or officials, is and will be addressed consistent with University Policy and can result in discipline.

Fact finding may be placed on hold at the request of law enforcement. Drew is not permitted under federal law to await the conclusion of a criminal proceeding, and has independent obligations under federal law to follow-up internally on complaints of sexual harassment and misconduct, including domestic violence, dating violence, stalking, and sexual assault.

Initial notice of an inquiry, summarizing the allegations made, may be provided to the person complained against during a preliminary inquiry or during any additional fact finding. The accuser and the accused are entitled to have the presence of an advisor of their own choosing during fact-finding. That person, however, is without voice and cannot actively participate in the fact-finding or delay the scheduling or holding of an interview. Disruptive behavior by the
advisor can result in the removal of the advisor from the interview. Mandated timelines for the conduct of fact-finding may preclude a meeting in the event of undue delay or disruptive conduct.

Summary

At the conclusion of the fact finding process, a summary should be prepared and submitted to the Title IX Coordinator or designee. In the event of an actual conflict involving the Coordinator or designee and the complainant or the person complained about, an alternate shall be selected by the Vice President of Campus Life and Student Affairs.

Dismissal

Allegations that do not constitute a violation of the Policy, lack specificity, or that are determined to be false may be dismissed with notice to the complainant by the Title IX Coordinator or designee. That determination may be appealed within two days by submitting an appeal in writing or e-mail to the Title IX Coordinator, or if the Coordinator dismisses the complaint, to the Vice President of Campus Life and Student Affairs.

Matters involving violations of other University Policies will be heard in one forum under the Policy with a predominant interest in the complaint and its handling, but consistent with any required procedural protections.

Mediation

Mediation can be an effective means to resolve complaints. Parties can elect to pursue mediation, at any point prior to a decision, under such terms and conditions as are mutually agreeable and an allegation of sexual assault is not involved. A matter that cannot be resolved will be referred back for handling under the formal procedures.

The written agreement will be sent to the parties and the Title IX Coordinator or designee as soon as practicable. The terms and conditions of any agreement, including the nature of the complaint and the outcome should be recorded in writing and signed by the parties, and maintained by the Title IX Coordinator or designee.

If the parties are unable to reach agreement, or the complainant decides to pursue a formal hearing, that decision will be memorialized and notice provided to the Title IX Coordinator or designee.

Administrative Meeting

Matters involving allegations of sexual harassment or misconduct, including domestic violence, dating violence, stalking, and sexual assault will be heard administratively by a conduct officer.
Procedures for an Administrative Meeting

Prior to an administrative meeting, students charged with a violation of the Sexual Harassment and Misconduct Policy will be requested in writing or via e-mail to meet with a designated administrator, and, at that time, will be provided summary notice of any charge(s). The student complained against will be afforded an opportunity, as will the complainant, to review the fact-finding summary, including pertinent incident reports, with an advisor of their choosing. That advisor is without voice and cannot disrupt or delay the meeting. The names of student witnesses without direct knowledge of the incident may be redacted.

Either party may present, for consideration by the conduct officer additional pertinent documentation or information beyond what they provided during fact-finding to support their position. That information may consist of the identity of additional witnesses and a summary of their information, or records, documents, or other sources of pertinent information. That information should be provided at least two business days prior to the administrative meeting and must be accompanied by an explanation as to why the information was not provided during fact-finding and must also identify a reasonable basis to support any consideration of that new information.

The conduct officer will then meet separately with the complainant and the person complained against in order to:

1. Review the process, including:
   a. Discuss the complaint and alleged conduct, allowing the student to present his/her understanding of the events related to the incident(s).
   b. Conduct the process in as timely a fashion as possible. (In cases where incidents occur near the end of a semester matters may have to be conducted via phone or other remote technology, including Skype, if possible.)
   c. Permit the student to have the presence of an advisor, without voice.
   d. Permit the complainant and the person complained against to speak on his/her own behalf,
   e. At the conclusion of the process, either student may submit a written summary of their position for consideration prior to any determination. This summary must be submitted within two business days of the meeting.

2. In the event, either party elects not to attend a properly noticed hearing, the process will continue and due weight will be accorded to all materials related to the absent party.

3. At the conclusion of the process, the conduct officer will determine an appropriate finding of either “responsible” or “not responsible” for each alleged policy violation based upon the preponderance of evidence. Prior conduct violations may be a factor in determining sanctions.
4. After a decision has been reached, the parties will be sent at the same time an email or letter summarizing the outcome and sanctions, along with a summary of the basis for the decision, as permitted under privacy law.

5. If found “responsible” it is the student’s responsibility to complete all sanctions as imposed. Failure to abide by or complete a sanction may result in additional sanctions.

6. In certain cases, as permitted under federal law, information regarding an offense may be disclosed to individuals or to the entire University community.

Decisions are reported to the Title IX Coordinator and to the parties, at the same time, consistent with federal requirements.

Appeals

1. The right of a student to one appeal is guaranteed. Appeals may be granted for the following reasons only:

   A. Pertinent new information is available which was not known to the person appealing at the time of the original hearing.
   B. A procedural error was made that precluded a fair and impartial hearing. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

2. Decisions following the hearing must be appealed within two (2) business days of receipt of the written results of such hearing. Appeals will be heard by the Vice President for Campus Life and Student Affairs or designee.

Decisions are reported by letter to the Title IX Coordinator and to the parties, at the same time, consistent with federal requirements.

Sanctions

The University maintains the right to impose sanctions upon students found responsible for violating the Student Conduct Policy or other University policy. Violations of this policy may result in a variety of sanctions, ranging from severe penalties to less stringent measures, as appropriate to the underlying conduct or course of conduct. The primary purpose of sanctions is generally educational and rehabilitative, although in some matters, the protection of the Drew community will be important as well. The reasons for the imposition of sanctions will be stated in the student’s file and will become a part of the student’s record. Sanctions may also be issued in abeyance, meaning that any further violation may result in the implementation of the sanction in abeyance.

1. **Revocation of Admission:** Admission to the University may be revoked for fraud, misrepresentation or a violation of the University policies.
2. **Revocation of Degree**: A degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

3. **Withholding Degree**: The University may withhold the awarding of a degree otherwise earned until the completion of the process set forth in the Student Conduct Policy, including the completion of all sanctions imposed, if any.

4. **Expulsion from the University**: Unconditional and permanent separation from the University. The expelled student shall be barred from the University campus and all University sponsored activities.

5. **Expulsion from the Residence Halls**: Unconditional and permanent separation of the student from residing in, being around, participating in activities within or visiting the residence halls.

6. **Suspension from the University**: The student is separated from the University for a specified period of time with the privilege of applying for re-entry after the period of suspension. In making a determination on the re-entry application, the University will evaluate the documented (as appropriate) progress the student has made and/or any positive indication that the student is ready for re-entry. The student will need to obtain clearance from the Dean of Students, or designee, in order to return to academic work. The student will be barred from campus during his/her time of suspension, and will be treated as a trespasser if found on campus during their period of separation.

7. **Suspension from the Residence Halls**: The student is required to move out of the residence hall and may not reside in, be around, participate in activities within, or visit the residence halls for a specified period of time with the privilege of applying for re-entry as a residential student after the period of suspension. In making a determination on the re-entry application as a residential student, the University will evaluate the documented (as appropriate) progress the student has made and any positive indication that the student is ready to return to the residence halls. The student will need to obtain clearance from the Dean of Students, or designee, in order to return to the residence halls. The student will be barred from being in or around campus housing during his/her time of suspension, and will be treated as a trespasser if found in or around campus housing during their period of separation.

8. **Restriction**: The student is restricted from participating in certain University events and activities, holding leadership positions at any level in campus organizations, or from remaining a resident on campus. Certain restrictions are imposed for a specified period of time, while others may be permanent.

9. **Probation**: The student is placed under a status whereby any further violation of University regulations is considered in the context of the original violation and with prejudice. The period of probation lasts for a specified period of time. Probationary status may impact a student’s ability to study abroad and/or to hold leadership positions in student organizations.

10. **Residence Hall Relocation**: Room re-assignment to another residence hall or floor.

11. **Warning**: Written notification to the student that any repetition of the behavior will result in more severe disciplinary action.

12. **Restitution**: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
13. **Disclosure:** In certain cases deemed appropriate by the proper authorities, information on an offense may be disclosed to individuals or the entire University community.

14. **Parental Notification:** In an effort to provide support and assistance to students, the University, in accordance with the Family Educational Rights and Privacy Act (FERPA), may notify parents or legal guardians of students who have violated the University’s Alcohol or Drug policy in which there is a health and safety emergency.

15. **Discretionary Sanctions:** Educational assignments, essays, training, assessment, service to the community with a specified length of time, or other related discretionary assignments.

**Time Lines**

The University will strive to investigate complaints and make determinations on as expeditious basis as possible. In matters involving sexual harassment or sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault, investigations and administrative meetings should be concluded within 60 days of the date of the complaint. Appeals should be resolved within 14 days of receipt. Extensions may be granted by the Title IX Coordinator or designee, in the event of a conflict, for good cause with notice to the parties of the delay and the reason for the delay.

**Contacts and Resources**

The University encourages anyone experiencing discrimination or sexual harassment to make use of the variety of resources that are available to members of the University community. The primary resources for reporting a complaint include staff listed below an e-mail hotline, investigations@drew.edu, Campus Life and Student Affairs professional staffers, the Office of the Dean of Students, Drew Public Safety, and the Title IX Coordinator. Complaints of sexual harassment or misconduct may also be reported to the Campus Conduct Hotline at 1-866-943-5787.

Local and county law enforcement may be contacted as well.

- **The Madison Police Department** can be contacted at: (973)-593-3000 or 9-1-1 (emergency)
- **The Morris County Sexual Assault Response Team** (SART) can be contacted at (973)-285-2900

The **Drew University Public Safety Department** can be contacted at: (973)-408-3379; or at 3379 (on-campus).

**Drew Residence Life staff** can be contacted at: (973)-408-3394.

**On-campus Drew counselors**, who can provide confidential counseling, can be contacted at: the McClintock Center for Counseling and Psychological Services, Holloway Annex, (973)-408-3398 or Fax: 973-408-3318 or by e-mail at: [http://www.drew.edu/Counseling/](http://www.drew.edu/Counseling/).
Health Services can be contacted at: 973-408-3414 or Fax: (973)-408-3031.

Academic Support Services can be contacted at:

- **The College of Liberal Arts**: the Associate Dean for Academic Services - (973) 408-3290;
- **The Theological School**: the Associate Dean for Academics - (973) 408-3647;
- **The Caspersson School of Graduate Studies**: the Associate Dean - (973) 408-3283

The Student Disability Specialist can be contacted at: (973)-408-3962.

Additional off-campus resources include:

Morris Cares, which works with SART, maintains a 24/7 hotline and can be contacted at: (973)-829-0587;

Jersey Battered Women’s Services (JBWS can provide support and resources for Dating or Domestic Violence or Stalking and can be contacted at their 24-Hour Helpline: 973-267-4763, or at: info@jbws.org, or by mail at: JBWS, P.O. Box 1437, Morristown, NJ 07962.

Jersey Center for Non-Violence is a program sponsored by JBWS to help people examine the use of force and/or abuse within intimate relationships and to learn alternatives. They can be contacted at: Email: jcnv@jbws.org; Fax: 973-539-4068; or Phone: 973-539-7801.

Jersey Center for Non-Violence can be contacted at: Counseling for Men and Boys: 973-539-7801, or Counseling for Women through Vista: 973-539-780;

Complaints of sexual harassment or misconduct may also be reported to the Campus Conduct Hotline at 1-866-943-5787 or at investigations@drew.edu.

The National Stalking Resource Center can be reached at:

http://www.victimsofcrime.org/our-programs/stalking-resource-center

Legal Resources

Legal Services of Northwest New Jersey

30 Schuyler Place, 2nd Floor
P.O. Box 900, Morristown, NJ 07963
Jersey Battered Women's Services can also provide assistance with respect to restraining orders. Their hotline is (973)-267-4763.

Volunteer Lawyers for Justice can be contacted at PO Box 32040, Newark, NJ 07102.

University officials, who may be contacted to report an incident, include:

- Deshawn Cook, McClendon Hall – First Floor (Residence Life) 973-408-3405 dcook@drew.edu
- Robert Lucid, Pepin (Public Safety): 973-408-3378 or 3379; rlucid@drew.edu
- Michelle Brisson, Ehinger Center – First Floor (Student Activities) 973-408-3460 mbrisson@drew.edu
- Joanne Montrose, 973-408-3611 (CSGS); jmontros@drew.edu
- Frank Merckx, Ehinger Center 147 (Campus Life and Student Affairs) 973-408-3390 fcmerckx@drew.edu.
- Dr. Virginia Samuel, 973-408-3565 (Theo. School); vsamuel@drew.edu

Inquiries regarding the application of Title IX or this Policy may be made to the University’s Title IX Coordinator: George-Harold Jennings, 36 Madison Avenue, Madison, NJ 07940 or at: (973)-408-3392; or gjenning@drew.edu.

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