

SEXUAL HARASSMENT POLICY

Bloomfield College does not discriminate on the basis of sex either in employment or in its academic programs or activities. Federal and state laws prohibit discrimination in employment. Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs or activities.

The College's policy is to ensure that all employees and students of Bloomfield College have a work and learning environment free of any type of unlawful discrimination, including freedom from sexual harassment. This policy applies to all areas of the College's operations and all persons (employees, students, guests, vendors, contractors, subcontractors, etc.) with direct or indirect contact with the institution. Federal and state laws treat sexual harassment as unlawful sex discrimination. Bloomfield College abides by these laws because effective working relationships between employees and effective learning relationships among staff, faculty and students must be based upon mutual respect. Bloomfield College therefore prohibits sexual harassment of its employees, students, and guests in any form, both on and off campus. For the protection and safety of the College Community, such conduct may result in disciplinary action up to and including termination of employees, expulsion of students, and banishment from the College for guests, visitors, vendors, contractors, subcontractors, etc.).

Specifically, no supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

In the case of students, no instructor or other employee shall threaten or insinuate, either directly or indirectly that a student's refusal to submit to sexual advances will adversely impact grades, course selection, academic records, enrollment or any other matters pertaining to his/her status as a student of the College. Similarly, no faculty/instructor or other employee shall promise or suggest, either directly or indirectly, that a student's submission to sexual advances will positively impact grades, course selection, academic records, enrollment or any other matters pertaining to his/her status as a student of the College. Similarly, no student shall threaten or insinuate, either directly or indirectly that another student's refusal to submit to sexual advances will adversely impact any matters pertaining to his/her status as a student of the College.

Bloomfield College considers sexual harassment of either employees or students as unprofessional and unacceptable conduct and an abuse of authority and power. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, physical, virtual (via social media post, pictures, videos, voicemail and e-mail messages, text messages, etc.) conduct of a sexual nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment or academic status, or
- Submission to such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or
- Such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile or offensive environment.

Bloomfield College prohibits sexual/romantic relationships between individuals (students, faculty and other employees) where there is an imbalance of power, i.e. where one individual is in a position to make decisions which may adversely impact the employment or educational experience of the other. These relationships include instructor-to-student; supervisor-to-subordinate; or any other relationship between two individuals

where one individual has the authority to make or influence decisions which directly or indirectly impact the employment or educational experiences of the other. A staff member or faculty member's relations with students shall be limited to those that are consistent with and necessary to the performance of the staff member or faculty member's duties as an employee of Bloomfield College.

Any and all other conduct involving sexual harassment that creates a hostile workplace and/or educational environment, whether committed by supervisory employees, non-supervisory employees or students, is also prohibited

This includes the following:

- unsolicited/unwelcome inappropriate comments or gestures of any form
- offensive sexual flirtations, advances, propositions, and written/electronic communications
- verbal abuse of a sexual nature
- the telling of obscene jokes or display of sexually graphic pictures or objects in the workplace or classroom
- obscene comments about an individual or comparing a person to risqué computer images, pictures, drawings, cartoons, etc.
- discussions of sex and sexuality in academic and workplace settings unrelated to course work or work tasks
- repeated and unwelcomed requests to have breakfast, lunch, dinner, to meet to talk, etc.
- repeated requests that an employee or student stand, sit or move closer, or insistence on private meetings behind closed doors
- unnecessary offensive touching of an employee or student, such as patting, pinching, grabbing, hugging, kissing, and repeated brushing against another employee or student's body
- inappropriate offensive posting on any social media networks/platforms or other public forums

Bloomfield College prohibits harassing conduct directed at an individual because of his or her sex and/or sexual orientation, even if the conduct is not sexual in nature. Therefore, supervisory employees, non-supervisory employees and students shall not harass or discriminate against any staff member, faculty member, or student because of his or her sex and/or sexual orientation by verbally abusing him or her or treating him or her differently from members of the opposite sex, including but not limited to by increasing his or her workload, grading him or her differently than other students, and/or treating another individual differently based upon the person's sex and/or sexual orientation.

Bloomfield College also prohibits supervisory and non-supervisory employees and students from harassing or discriminating against any staff member, faculty member or student because that individual fails to conform to behavioral norms traditionally associated with the individual's sex. For example, a male individual should not be harassed because he acts effeminately or otherwise fails to conform to a male stereotype, and a female individual should not be harassed because she acts masculine or otherwise fails to conform to a female stereotype. In addition, no supervisory or non-supervisory employee shall harass or discriminate against any staff member, faculty member or student because of the student's sexual orientation or trans-sexuality.

Complaint Procedure for Reports on Sexual Harassment and Discrimination

Complaints of sexual harassment or discrimination from employees or students will be channeled to Mr. Howard Buxbaum, the Title IX Compliance and Affirmative Action Officer. The Title IX Compliance/Affirmative Action Officer is located in Knox Hall, Room 105. The Title IX

Compliance/Affirmative Officer is responsible for coordinating efforts to comply with and carry out the institution's responsibilities under Title IX. Procedures for employees and students are as follows:

1. **Employees:** Any employee who feels he or she has been subjected to sexual harassment/discrimination should report the incident directly to his or her supervisor or the Title IX Compliance/Affirmative Action Officer. Employees may also report complaints to the United States Department of Education Office of Civil Rights (OCR).
2. **Students:** Any student who feels he or she has been subjected to sexual harassment/discrimination should report the incident immediately to Patrick Lamy, Vice President for Student Affairs/Dean of Students, who will notify the Title IX Compliance/Affirmative Action Officer. The Vice President for Student Affairs/Dean of Students Office is located at 208 Liberty Street. Students may also report complaints to the United States Department of Education Office of Civil Rights (OCR).

Complaints by students and employees should include the following:

- A) The victim's name; campus location/department; status as employee or student of the college; and preferred means of contact (email, home phone, cell phone or permanent address);
- B) The name(s) of the person(s) who committed the alleged act – if available;
- C) A brief description of what transpired with specific dates, times, locations where act(s) were committed with names of witnesses or other individuals who can corroborate the allegations, where available;
- D) The nature of the alleged harassment, *i.e.* sexual harassment or discrimination based on sex, race, religion, color, national/ethnic origin, age, sexual orientation, marital status or disability;
- E) A description of each step taken by the victim from the time he or she first concluded that a violation of policy has occurred;
- F) The resolution sought by the victim;
- G) Copies of any materials, reports, or evidence of relevance to the investigation of the complaint;
- H) Written complaints should be signed.

Investigation Procedure

Under Title IX, student complaints of sexual harassment are to be analyzed under a preponderance of the evidence standard, *i.e.*, whether it is more likely than not that harassment occurred; and that the conduct was so serious to limit or deny his or her ability to participate in or benefit from the school's education program. (*i.e.* creates a hostile work environment). Students and employees who make a good faith claim of sexual harassment will not be subjected to retaliation, which is prohibited by state and federal law, including Title IX. Any act or threat of retaliation against a complainant, witness or supporter at any point before, during or after an investigation or hearing is a violation of this policy and will subject the employee or student who engages in retaliation to discipline up to an including termination of employment or expulsion and/or banishment from the College.

The investigatory and adjudicative process should generally take no more than (60) days. To the extent possible, the College will maintain the privacy of all persons involved in a complaint of sexual harassment during the investigation. The investigation will involve interviewing witnesses, taking statements, reviewing evidence, and any other best practices and resources to accomplish a thorough examination of the incident. If there is a delay in the investigation as result of the unavailability of students and/or employees (or other key witnesses) required for interviews during semester breaks/emergency closings, the investigation will be delayed until the beginning of the following semester or when the College reopens. In such case, all parties involved will be notified of the change in timeline.

If the Title IX Compliance/Affirmative Action Officer or Vice President for Student Affairs/Dean of Students conduct a preliminary investigation and determine the complaint to be valid, the offender will face immediate and appropriate disciplinary action based upon the severity of the charge and the history of past charges, if any, against the offender. The College reserves the right to temporarily suspend an employee or student who has been alleged to have violated the College's Sexual Harassment Policy pending the outcome of its investigation. The College reserves the right to proceed with an investigation whether or not criminal charges are pursued by the victim. Should the investigation reveal a violation of the Sexual Harassment Policy by an employee, the imposition of disciplinary action will be deferred to appropriate Vice President in consultation with the Title IX Compliance/Affirmative Action Officer. Disciplinary actions against offending students and employees may include a written warning, suspension, demotion, and/or termination of employment or expulsion from the College which could include banishment from the College.

If the Title IX Compliance/Affirmative Action Officer or Vice President for Student Affairs/Dean of Students determines the complaint was not made in good faith, appropriate disciplinary action may be taken against the employee or student who made the complaint. To the extent possible, the privacy of all persons involved in a complaint of sexual harassment will be protected. Both complainant and the victim maintain the right to appeal the final decision to the Title IX Compliance/Affirmative Action Officer.

SEXUAL ASSAULT/MISCONDUCT POLICY

Bloomfield College is devoted to creating and maintaining a campus community free from all forms of harassment, exploitation, or intimidation. The College is committed to furthering and protecting the rights of all members of the College community to insure the needs of victims and all parties involved (bystanders, accused, and friends) is addressed.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a College community free from violence, sexual assault/misconduct and non-consensual sexual contact, respect for the individual and human dignity are of paramount importance.

The College recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. This includes but is not limited to sexual violence by one or more students or employees against another student (employee), which is a form of sexual harassment prohibited by Title IX and state law. Accordingly, in conjunction with the Sexual Harassment Policy, and to comply with Title IX and state law, and the Violence Against Women Reauthorization Act (VAWA), the College has established this Sexual Assault/Misconduct Policy to insure that the needs of victims of sexual violence are met and that the College Community supports human dignity. The College assures that new measures are in place to address domestic violence, dating violence, stalking and other acts of unlawful and inappropriate behaviors.

What Acts Constitute Prohibited Sexual Assault, Misconduct, and Exploitation?

Acts of sexual assault, misconduct and exploitation are prohibited at Bloomfield College. For the purposes of this policy, "**sexual contact**" means any intentional touching, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present. "**Sexual assault/misconduct**" means any form of sexual contact with another person without "**effective consent**". Effective consent is clear, informed, and freely given by both individuals. Silence does not equal consent. It is communicated by mutually understandable words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity by persons of legal age. Consent obtained

through coercion, intimidation, force or threat of force against the victim or another is not effective consent. Effective consent may never be given by minors, mentally disabled persons, and those who are incapacitated as a result of alcohol or drug consumption (voluntary or involuntary) or those who are asleep, unconscious, unaware or otherwise mentally or physically helpless. Effective consent to one form of sexual activity cannot imply consent to other sexual acts. A previous relationship or previous consent, including a dating relationship or previous sexual involvement, does not imply consent to future sexual acts. Consent may be withdrawn by either party at any time by an outward demonstration through words or actions to end sexual activity immediately and without question.

Another type of sexual misconduct is termed “**sexual exploitation**” and occurs when an individual takes nonconsensual or abusive sexual advantage of another for his or her benefit or to benefit a third party. Examples of sexual exploitation include but are not limited to:

- prostituting another person
- non-consensual observation or video or audio recording of sexual activity of another person
- exceeding the boundaries of consent with another person (such as permitting others to secretly observe you engaging in consensual sex)
- inducing or attempting to induce incapacitation in another person
- employment of another person or achievement related inducements
- knowingly transmitting a sexual disease, including but not limited to HIV, to another person
- posting sexual activity of any form on social media or any other public forum without permission from the other person
- non-consensual texting of sexual activity or images of another person.

The College also prohibits domestic violence, dating violence and stalking:

Domestic violence involves a variety of serious offenses, including acts of violence, which are committed against someone by his or her current or former spouse or intimate partner, by a person with whom the parties have a child in common, a current or former cohabitant, or by someone who is similarly situated, such as person in a relationship or children with respect to their parent or guardian. Under New Jersey criminal law, domestic violence can include acts such as homicide, assault, terroristic threats, kidnapping, criminal restrain, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment and stalking.

Dating violence means violence committed by a person who is or has been in a social relationship or a romantic or sexual nature with another. It is determined based on the reporting party’s statements, and in consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but it is not limited to, sexual or physical abuse or the threat of such abuse. It can include a pattern of behavior where one person threatens to use, or uses, physical, sexual, verbal or emotional abuse to control a dating relationship or sexual partner.

The College prohibits stalking of another individual in any form. Stalking is a consistent pattern of conduct or outreach directed at a specific person on at least two or more occasions that would cause the targeted individual to fear for her, his, or another’s safety, or to suffer substantial emotional distress. Stalking behaviors can be direct or indirect, accomplished through multiple means such as: in person, via social media, phone,

email, regular mail, or through third parties. The type of actions that can constitute stalking include: following another; showing up uninvited at another's home/classroom/workplace/vehicle or expected location; monitoring another; surveillance of another; threatening another; communicating with another or by interfering with another's property or activities.

Upstander/Bystander Intervention

Upstander/Bystander Intervention refers to a person who takes safe, reasonable and prudent actions to prevent or stop an act, or potential act, of sexual misconduct, domestic violence, dating violence or other act of violence. Intervention includes simple statements, words of caution, offers of assistance, removing someone from a situation, or calls for assistance.

We encourage members of the College community to immediately seek assistance from Bloomfield College Security located on the lower level of Schweitzer Hall (extension 1366); the Office of Student Affairs at 208 Liberty Street (extension 1245); and/or Human Resources in Knox Hall 2nd Floor (extension 1440). If off-campus, members of the College community should immediately seek assistance from a person in authority or law enforcement.

The safety of upstanders/bystanders is a priority. Retaliation against an upstander/bystander violates this Policy and will result in disciplinary action up to and including termination of employment or expulsion from the College.

Disciplinary and Remedial Actions

College employees, students and visitors are expected to abide by all local, state and federal criminal law. In addition to criminal sanctions and possible liability under such laws, acts of sexual assault/misconduct and unwelcome sexual contact will subject a student or employee to College disciplinary action. Student sanctions may include expulsion, suspension, conduct probation or any other form of the College's disciplinary sanctions. Employees will be subjected to warning, suspension, demotion or termination of employment. College penalties and disciplinary procedures are specified in the Standards of Conduct in the College Catalog. Employees should review the Employee Handbook or the Faculty AAUP Agreement (where applicable) for procedures related to employment sanctions. Any individual who violates any local, state or federal criminal laws while on college property will be reported to the Bloomfield Police Department.

The College will also implement remedial measures to prevent incidents of sexual assault/misconduct, retaliation and confrontations during and after the investigation. Once a complaint has been received, the College will promptly notify the victim of his or her options to avoid contact with the alleged perpetrator during the investigation and change academic, extracurricular activities, living, transportation, dining and working situations as appropriate. Specific options include:

- Providing an effective escort so the victim can move safely between student/work related activities until a final decision is rendered after the investigation;
- Ensuring the perpetrator and victim do not share classes, offices or student/work related activities;
- Moving the perpetrator or victim, if he or she so requests to a different residence hall or office location;
- Providing comprehensive, holistic victim services including medical/psychological counseling and academic support services, such as tutoring;
- Arranging for the victim to have extra time to complete or retake a class or withdraw from a class without an academic or financial penalty;

- Reviewing any disciplinary actions taken against the victim to see if there is a causal relationship between the sexual violence and the misconduct that led to the discipline. (i.e. a victim of a sexual violence skipping class or calling out from work to avoid the perpetrator)

Investigating Reports of Sexual Assault/Misconduct

During the investigation, the College will provide increased monitoring, supervision or security at locations or activities where the misconduct occurred and ensure that the victim is aware of his or her Title IX rights and any available resources such as victim advocacy, housing assistance, academic support, personal counseling, disability services, health and mental health services, legal assistance and the right to report a crime to campus or local law enforcement. The College will keep the victim updated on the status of the investigation.

Once the investigation has been completed, if the complaint has been substantiated, the College will take remedial measures in addition to the disciplinary sanctions as appropriate. The College will also offer the victim the same remedies offered to him or her as interim measures, whether or not the victim accepted or declined those remedies during the investigation. The College may also change its overall services or policies as needed.

The College will promptly investigate any complaint of sexual assault/misconduct made to a college employee, which includes the Title IX Compliance/Affirmative Action Officer, any Vice President/Officer, College Dean, faculty member, administrator, Resident Director, Resident Advisor, Chaplain, or Nurse. In some cases, the investigation will be performed by a specifically-trained employee and/or an independent outside investigator under the supervision of the College's Title IX Compliance/Affirmative Action Officer. The victim and the alleged perpetrator, who shall be notified of the accusation against him or her, shall have an equal opportunity to present witnesses and evidence. The procedures of the College's Judiciary Program, which are set forth in the Colleges Standards of Conduct, shall apply in the case of student complaints. In the case of employees, the Title IX Compliance/Affirmative Action Officer, the Human Resources Director, and/or an outside investigator will directly handle the investigative process. Any factual determinations will be made under a preponderance of the evidence standard. The investigative process will include the following:

- Initial Report/Complaint: The initial report or complaint will be referred to and reviewed by Title IX Compliance/Affirmative Action Officer or a designee within a maximum of 72 hours.
- Formal Investigation: The investigation (*conducted by internal or external investigators*) which includes fact-finding, interviews; review of evidence; a hearing in appropriate cases; and a determination of the appropriate disciplinary and or/remedial action, will take no more than sixty (60) business days from initial report to completion.
- Notification: The notification of the final decision after the conclusion of the formal investigation will occur within ten (10) business days of conclusion of the investigation. The victim and the alleged perpetrator will concurrently receive written notice of the outcome of the complaint.
- Appeals: Appeals period officially begin immediately after notification and must follow guidelines for appeals as not in the Bloomfield College Code of Student Conduct.
- Appeals to the Office of Civil Rights (OCR) should follow appeals guidelines as described on the OCR website.

Reporting and Confidentially Disclosing Sexual Violence

The College encourages victims of sexual violence to discuss the incident with a trained professional on campus so that victims can get the support required immediately. Different employees on campus have different levels of responsibility to maintain a victim's confidentiality.

- Some are required to maintain confidentiality: talking to them is sometimes called a “privileged” communication as in the case of a licensed therapist in the Counseling Center or the Coordinator of Disabilities Services;
- Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes;
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Compliance/Affirmative Action Officer. A report to these employees (called “responsible employee”) constitutes a report to the College, which generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make all members of the College Community aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become the victim of sexual assault/misconduct. The College encourages victims to talk to someone identified in one or more of these groups. Title IX forbids retaliatory action taken against any victim who makes a good faith effort to report an incident of sexual assault/misconduct.

The Options

A. Privileged and Confidential Communications

- ***Professional and Pastoral Counselors.***

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Compliance/Affirmative Action Officer without a victim’s permission.

The following is the contact information for these individuals:

A. College Chaplain: Student Center, 2nd Floor – Extension 1393

B. Personal Counselors: Student Center, 2nd Floor – Extension 1403

C. Coordinator for Disabilities Services: LRC Building – Extension 1654

- ***Non-professional Counselors and Advocates***

Certain non-professional counselors and advocates can generally talk to a victim without revealing any personally identifying information about an incident to the College. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Compliance/Affirmative Action Officer. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Compliance/Affirmative Action Officer informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Compliance/Affirmative Action Officer, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Compliance/Affirmative Action Officer.

The following individuals are examples of non-professional counselors and student advocates whose assistance a victim may seek without triggering a College investigation that could reveal his or her identity or that he or she has disclosed the incident. The College will provide assistance in the selection of an advocate for the victim if requested. The College will also assist the accused with the selection of an advocate to provide guidance and assistance during the investigative process. An advocate should be an employee of the College who will help guide the students through understanding the College's Sexual Assault Policy, and navigate all the support services and resources available on and off campus:

- A. EOF Counselor**
- B. Academic Advisors/Coaches**
- C. Tutors**
- D. Resident Advisors or Resident Directors**
- E. Department Secretaries or Administrative Assistants**

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, the counselors and advocates will still assist the victim in receiving other necessary protection and support. A victim may decide to file a formal complaint at a later date to prompt a formal investigation.

The only exceptions to the non-disclosure policy apply in cases that present an imminent threat of harm to self or others. In such cases, the counselor or advocate involved has a duty to notify the College. If there is a serious and immediate threat to others, the College may issue a warning to the College community, but will do so without disclosing the identity of the victim. If the victim is a minor, and the alleged offender is an adult, the counselor or advocate will have a responsibility to notify local law enforcement and parents.

B. Reporting to "Responsible Employees."

A "responsible employee" is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

A responsible employee must report to the Title IX Compliance/Affirmative Action Officer all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent unless the victim has also reported the incident to law enforcement or the victim is a minor; or the incident poses a safety risk to the college community.

The following employees (or categories of employees) are the College's responsible employees:

- A. College Deans**
- B. Department Directors and Managers**
- C. Faculty and Instructors**

D. Public Safety and Security Officers

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality or does so before the responsible employee has had the opportunity to ensure that the victim understands the employee's reporting obligations, the employee should tell the victim that the College will consider the request but cannot guarantee that the College will be able to honor it.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College will weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

- A. Howard Buxbaum, Title IX Compliance/Affirmative Action Officer
- B. Patrick Lamy, Vice President for Student Affairs/Dean of Students
- C. Tresmaine Grimes, Vice President for Academic Affairs/Dean of the Faculty

The individuals noted above will consider a range of factors when considering request for confidentiality:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints, history of violence, about the same alleged perpetrator;
 - whether the alleged perpetrator is a registered sex offender;
 - whether the sexual violence was committed by multiple perpetrators and/or involved a weapon;
 - whether the victim is a minor;
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action including notification to local law enforcement. If none of these factors is present, the College may respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will follow its Sexual Assault/Misconduct Investigative Procedures. The College will also extend or make permanent the remedial measures offered to the victim during the investigation.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

Other Resources

- **College Media Center**, lower level of the Library, provides an excellent video on Sexual Harassment in the workplace and classroom. It takes approximately 20 minutes; you may borrow the video for home viewing or use the library viewing room. If you have any questions, contact x1370 for information.
- **The College offers mandatory online sexual harassment training for all employees.** Students are offered several on-campus training programs/forums on sexual harassment and sexual assault/misconduct. Specific educational programs are designed for first-year students and parents during the year-long orientation programs.
- **Online sexual assault/misconduct training** will be available to all students and employees. The College also offers anonymous reporting through an online reporting process. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation.
- **Campus Conduct Hotline© -- Dial toll-free to 866.943.5787.** Available for use around the clock, seven days a week. Because the *Hotline* is operated by an independent organization, any calls made through this *Hotline* are completely confidential and anonymous. Issues that may arise that can be reported include: discrimination, fraudulent activity, harassment, hate messages, hostile workplace, illegal business activity, NCAA violations, safety and security issues and bullying.
- **BC TIPS Line: 973-748-9000, ext. 1466** – another source to report anonymous information is the BC Tips Line that is maintained by the BC Office of Security.

Victim's Right and Services

The victims of sexual assault/misconduct or unwelcome/non-consensual sexual contact will be:

- afforded the same access to legal guidance as the accused;
- afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused with exceptions to conflicts of interest circumstances;
- notified immediately, simultaneously and in writing of the outcome of the disciplinary proceeding against the accused; appeal procedures; any change to the result before it becomes final; and when the result becomes final. Note that the accused is entitled to these same rights;
- afforded the opportunity to report incidents and violations to the Title IX Officer for referral when appropriate, to trained investigator.

Regardless of whether the alleged crime is formally reported to campus or civil authorities, the College's medical, counseling and other services are available for victims. The full, prompt and victim-sensitive

cooperation of the College personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when necessary to preserve evidence of the assault will be provided to all victims. In order to preserve evidence, the College encourages victims not to shower or cleanse in any manner; urinate, brush teeth or gargle, eat, drink, smoke or change clothes prior to going to the hospital. Evidence can be collected up to five days after the incident. The East Orange Mobile Crisis Unit is available for assistance and can be telephoned at 973-266- 4478. That unit is able to send a crisis worker to talk to any victim and transport him/her to the East Orange General Hospital Emergency Room, if desired by the victim. Counseling is available at the College to assist the recovery of victims. In addition to the East Orange Hospital, the Family Service League (FSL) (<http://www.familyserviceleague.org/>) of Montclair NJ is also a major resource. The FSL is the designated Essex County Rape Care Center.

Victims can also consider off-campus counselors, advocates, and health care providers who will generally maintain confidentiality. Victims are also encouraged to contact the Rape Care Hotline: 1-877-733-CARE (2273) any time, day or night, to learn about other options and services. A trained advocate can accompany victims to the hospital and will help to connect to the appropriate services which include: a 24-hour, free and confidential Hotline; crisis services for survivors and their families; educational programs and training for youth and professionals; and counseling at the FSL.

For additional information regarding victim's rights, students should review the New Jersey Sexual Assault Victim's Bill of Rights at: http://www.bloomfield.edu/sites/default/files/Sexual%20Harassment-Assault%20Policies%20%20Revised%20October%201%202014_0.pdf

Updated August 2015