

Policy: Equal Opportunity, Harassment and Nondiscrimination Camden County College 2023-2024

1. Nondiscrimination Policies

Camden County College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

Camden County College does not discriminate against any employee, applicant for employment, student¹, or applicant for admission on the basis of:

- Race,
- Religion,
- Color,
- Sex,
- Pregnancy,
- Religion,
- Ethnicity,
- National origin (including ancestry),
- Citizenship status,
- Physical or mental disability (including perceived disability),
- Age,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- Predisposing genetic characteristics,
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of Camden County College community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of Camden County College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of Camden County College policy on nondiscrimination.

¹ For the purpose of this policy, Camden County College defines "student" as any individual who has received an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Camden County College.

When brought to the attention of Camden County College, any such discrimination will be promptly and fairly addressed and remedied by Camden County College according to the appropriate process described below.

2. Jurisdiction and Scope of the Policies and Procedures

The Nondiscrimination policies and the nondiscrimination resolution procedures apply to all students, faculty, staff, affiliates, visitors, applicants for employment, vendors and independent contractors. If any of these individuals denies, deprives, or limits the educational or employment access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above, they are in violation of the College's Non-discrimination, Harassment, and Sexual Misconduct Policy. Faculty, staff, affiliates, visitors, applicants for employment, vendors and independent contractors accused of violating the are subject to these resolution procedures.

These policies and procedures apply to conduct in alleged violation of the Non-discrimination, Harassment, and Sexual Misconduct Policy, that takes place in the context of a College program or activity, or to conduct that affects a substantial College interest, regardless of whether the alleged misconduct occurs on- or off-campus. A substantial College interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the educational interests or mission of the College.

Regardless of whether the alleged misconduct occurred within the College's jurisdiction, individuals impacted by harassment or discrimination may contact the Title IX Office to receive supportive measures, resources, or related information. These supportive measures, resources and information are also available to those impacted irrespective of whether they choose to file a complaint.

These policies and procedures apply to the education program and activities of Camden County College, to conduct that takes place on the campus or on property owned or controlled by Camden County College, at Camden County College-sponsored events, or in buildings owned or controlled by Camden County College's recognized student organizations. The Respondent must be a member of Camden County College's community in order for its policies to apply.

The coordination and implementation of these policies and procedures is the responsibility of the Responsible Administrator. It is expected that every employee of the College will share this commitment and cooperate fully in helping the College meet its equal opportunity and affirmative action objectives.

The policies and procedures outlined here apply to all complaints of unlawful discrimination or harassment against students, faculty, staff, affiliates, visitors, applicants for employment, vendors and independent contractors of the College.

These policies and procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, or retaliatory conduct (e.g.: vandalism, violent behavior).

If the Respondent is unknown or is not a member of Camden County College community, the Responsible Administrator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

In addition, Camden County College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Camden County College property and/or events.

All vendors serving Camden County College through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Responsible Administrator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Responsible Administrator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Camden County College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

3. Rationale for Policies and Procedures

Camden County College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Camden County College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Camden County College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

4. Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Camden County College "Process A" or "Process B," as determined by the Responsible Administrator, and as detailed below.

When the Respondent is a member of Camden County College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of Camden County College community. This community includes, but is not limited to, students,² student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Education program or activity

Locations, events, or circumstances where Camden County College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

5. Prohibited Conduct and Definitions

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of harassment, discrimination, and retaliation. Camden County College's harassment and discrimination policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination and harassment that are also prohibited under Camden County College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Camden County College policy, though supportive measures will be offered to those impacted.

A. Discrimination

Discrimination is defined as an intentional or unintentional act which adversely affects employment or educational opportunities on the basis of membership in one or more protected classes. Camden County College does not tolerate discrimination against any employee, student, visitor, or guest. Camden County College will act to remedy all forms of discrimination when reported.

B. Harassment

Unwelcome conduct on the basis of protected class, determined by a reasonable person, to be severe, or pervasive, and, objectively offensive, such that it effectively denies a Complainant equal access to the College's education program or activity. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

C. Retaliation

The College and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual engaged in a protected activity.

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, refusing to participate in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, participating in any manner in an investigation, proceeding, or hearing under this Policy and procedure and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive *and* objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Camden County College may also impose sanctions on the Respondent through application of the Formal Resolution Process below

D. Title IX Misconduct

1. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Jersey regard Sexual Harassment, as an unlawful discriminatory practice.

Camden County College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

a. Quid Pro Quo:

- i. an employee of Camden County College,
- ii. conditions the provision of an aid, benefit, or service of Camden County College,
- iii. on an individual's participation in unwelcome sexual conduct; and/or

b. Sexual Harassment:

- i. unwelcome conduct,
- ii. determined by a reasonable person,
- iii. to be so severe, and
- iv. pervasive, and
- v. objectively offensive,
- vi. that it effectively denies a person equal access to Camden County College's education program or activity

c. Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

- i. Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.³
 - (A) **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.⁴
 - (B) **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.⁵
 - (C) **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - (D) **Statutory Rape** – Sexual intercourse with a person who is under the statutory age⁶ of consent.

d. Dating Violence

- i. violence,
- ii. on the basis of sex,
- iii. committed by a person,
- iv. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - (A) The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - (B) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (C) Dating violence does not include acts covered under the definition of domestic violence.

e. Domestic Violence

- i. Violence
- ii. On the basis of sex
- iii. committed by a current or former spouse or intimate partner of the Complainant,
- iv. by a person with whom the Complainant shares a child in common, or
- v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- vi. by a person similarly situated to a spouse of the Complainant under the domestic or
- vii. family violence laws of New Jersey, or
- viii. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Jersey.

³ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁴ Definitions of consent, force and incapacity are provided below in the Sexual Misconduct section of this policy.

⁵ Definitions of consent, force and incapacity are provided below in the Sexual Misconduct section of this policy.

⁶ Per New Jersey state law.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

f. Stalking

- i. engaging in a course of conduct,
- ii. on the basis of sex,
- iii. directed at a specific person,
- iv. that would cause a reasonable person to fear for the person's safety, or the safety of others; or
- v. Suffer substantial emotional distress.
- vi. For the purposes of this definition—
 - (A) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, 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.
 - (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - (C) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Camden County College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

E. Sexual Misconduct

2. Sexual Exploitation

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, Camden County College additionally prohibits sexual exploitation as a form of harassment outside of Title IX.

- a. Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- i. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- ii. Invasion of sexual privacy.
- iii. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- iv. Prostituting another person
- v. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection

- vi. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- vii. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- viii. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- ix. Knowingly soliciting a minor for sexual activity
- x. Engaging in sex trafficking
- xi. Creation, possession, or dissemination of child pornography

1. Non-Consensual Sexual Contact⁷

Any intentional sexual touching, however slight, with any body part or object, by an individual upon another that is without Consent. Sexual contact includes intentional touching of the individual's anus, breast, buttocks, or genitalia; or any intentional touching of another person with the Respondent's anus, breast, buttocks, or genitalia.

2. Non-Consensual Sexual Intercourse⁸

Any penetration of the anus or vagina of another person, however slight, with any body part or object that is without Consent, or the placement, however slight, of the genitalia or any sexual device inside the mouth of another person without Consent.

3. Intimate Partner Violence

Violence between intimate or romantic partners that does not fall under Domestic Violence or Dating Violence under Title IX (e.g.: off-campus).

4. Sex/Gender-Based Harassment⁹

Unwelcome conduct based on an individual's actual or perceived sex or gender, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. Includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical.

a. Force, Coercion, Consent, and Incapacitation¹⁰

⁷ Used when the alleged sexual contact does not meet the requirements for Fondling under Title IX.

⁸ Used when sexual intercourse does not meet the requirements for Rape, Incest, and Statutory Rape under Title IX.

⁹ Used when the alleged sexual harassment does not meet the requirements for Sexual Harassment under Title IX

¹⁰ The state definition of consent that is applicable to criminal prosecutions for sex offenses in New Jersey may differ from the definition used on campus to address policy violations. The state definition is included in this footnote for Clery/VAWA Sec. 304 compliance purposes.

As used in the Title IX and Sexual Misconduct offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Camden County College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM¹¹ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Camden County College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

F. Other Civil Rights Offenses

In addition to the forms of sexual harassment and discrimination described above, which fall within the coverage of Title IX, Camden County College additionally prohibits the following offenses as forms of harassment and/or discrimination when the act is based upon the Complainant’s actual or perceived membership in a protected class.

1. **Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;**
2. **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;
3. **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within Camden County College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
4. **Bullying**, defined as:
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - d. That is not speech or conduct otherwise protected by the First Amendment.

¹¹ Bondage, discipline/dominance, submission/sadism, and masochism.

Violation of any other Camden County College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

G. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Responsible Administrator and will be promptly investigated. Camden County College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Camden County College or any member of Camden County College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

H. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Camden County College policy.

I. Policy on Disability Discrimination and Accommodation

Camden County College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit

discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by Camden County College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Associate Dean of Student Services has been designated as Camden County College 504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in Camden County College's resolution process.

Students with Disabilities

Camden County College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of Camden County College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability Services, who coordinates services for students with disabilities.

The Director of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

Employees with Disabilities

Pursuant to the ADA, Camden County College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to Camden County College.

An employee with a disability is responsible for submitting a request for an accommodation to the ADA/504 Coordinator and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Anne Daly-Eimer
Title IX Coordinator
Executive Dean of Student Affairs
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 4371
Email: adalyeimer@camdencc.edu
Web: www.camdencc.edu

Jacqueline Tenuto
Title IX Deputy Coordinator (Students)
Associate Dean of Student Services
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 5088
Email: jtenuto@camdencc.edu Web:
www.camdencc.edu

Crystal Killebrew
Title IX Deputy Coordinator (Employees)
Office of Human Resources
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 4391
Email: ckillebrew@camdencc.edu
Web: www.camdencc.edu

Such a report may be made at any time (including during non-business hours) using the following options:

- a. Report online, using the reporting form posted at <https://www.camdencc.edu/title-ix/?highlight=title%20ix>. Anonymous reports are accepted but can give rise to a need to investigate. Camden County College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Camden County College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Camden County College to discuss and/or provide supportive measures.
- b. Contacting the Responsible Administrator, or other Title IX official listed above (If the alleged misconduct is on the basis of sex or gender). A complaint may be filed with the Responsible Administrator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section.

- c. Report using the harassment/discrimination hotline (856) 374-5089
- d. Contacting your Supervisor, Public Safety or Human Resources.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education 400
Maryland Avenue, SW Washington,
D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC). ²

If notice is submitted in a form that does not meet this standard, the Responsible Administrator will contact the Complainant to ensure that it is filed correctly.

There is no time limitation on providing notice/complaints to the Responsible Administrator. However, if the Respondent is no longer subject to Camden County College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

7. Mandated Reporting: Employees

All Camden County College employees have the duty to report incidents of Sexual Misconduct to the Title IX Coordinator, or Deputy Title IX Coordinator. Mandated Reporters include all employees, other than those deemed confidential. This includes, but is not limited to: academic administrators, advisors, supervisors, department heads and chairs, deans, student affairs staff, faculty, human-resources personnel, campus-security officers, resident advisors, and athletic coaches. Employees must promptly report all known relevant information to the Title IX Coordinator, a Deputy Title IX Coordinator, or other designated official, including the name of the Complainant, Respondent, and any witnesses.

8. Confidential Reporting

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- Individuals designated by the Responsible Administrator as confidential. A list of these individuals can be found on the [college's website](#).
- Community-based (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Local or state assistance agencies (e.g.: domestic violence resources)
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor, or when required to disclose by law or court order.

Camden County College counselors (students) and/or the Employee Assistance Program (employees) are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Camden County College employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes

9. Federal Reporting Obligations

Timely Warning

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Camden County College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Camden County College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

A. Clery Act/Violence Against Women Act

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA12-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to [campus law enforcement] regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, [campus law enforcement/public safety/security], local police, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

10. Revision of these Policies

These policies will be reviewed and updated annually by the Responsible Administrator. Camden County College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

These policies supersede any previous College policies addressing harassment and discrimination on the basis of protected class (except disability). The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

Procedures: Equal Opportunity, Harassment and Nondiscrimination Camden County College 2023-2024

1. Process Definitions

In addition to the definitions in the Nondiscrimination Policy, the following definitions apply to the Nondiscrimination Resolution Procedures

Administrative Resolution

Investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Decision-Maker and the opportunity to appeal. Also known as “Process B.”

Advisor

A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Complainant

Means the individual who is alleged to be the victim of the prohibited conduct.

Decision-Maker

Refers to those (individuals or panel) who have decision-making and sanctioning authority within these procedures

Finding

A conclusion by the standard of proof that the conduct did or did not occur as alleged.

Formal Complaint

A Formal Complaint means a written document submitted by the Complainant, or signed by the Title IX Coordinator, alleging a violation of the Title IX Sexual Harassment policy (i.e.: Sexual Assault, Domestic Violence, Dating Violence, Stalking, Quid pro Quo, Retaliation, Hostile Environment) by a Respondent and requesting that Camden County College investigate the allegation(s).

Formal Resolution

“Process A,” a method of formal resolution designated by Camden County College to address conduct that falls within Title IX jurisdiction, and which complies with the requirements of 34 CFR Part 106.45.

Informal Resolution

An informal process typically used for less serious offenses and only when the Parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.

Investigator

Means the person or persons charged by Camden County College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Notice

That an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct

Parties

Include the Complainant(s) and Respondent(s), collectively.

Preponderance of the Evidence

Based on the evidentiary record, the Respondent more likely than not engaged in the conduct at issue.

Respondent

The person alleged to have engaged in or committed the Prohibited Conduct.

Responsible Administrator

The person who coordinates the College's response to alleged violations of the Nondiscrimination Policy. This includes the Title IX Coordinator.

Supportive Measures

Reasonably available and feasible measures, accommodations, or steps the College may take while a Complaint is pending in order to assist, support, and/or protect the Complainant, Respondent, or another person, and/or to protect the integrity of the investigation and resolution process.

2. Independence and Conflict of Interest

The Responsible Administrator acts with independence and authority free from bias and conflicts of interest. The Responsible Administrator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Responsible Administrator, contact Camden County College President Dr. Lovell Pugh-Bassett at 856-227-7200 ext. 4936. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Responsible Administrator.

Reports of misconduct or discrimination committed by the Responsible Administrator should be reported to Camden County College President Dr. Lovell Pugh-Bassett at 856-227-7200

x4936 or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Responsible Administrator.

3. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Anne Daly-Eimer
Title IX Coordinator
Executive Dean of Student Affairs
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 4371
Email: adalyeimer@camdencc.edu
Web: www.camdencc.edu

Jacqueline Tenuto
Title IX Deputy Coordinator (Students)
Associate Dean of Student Services
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 5088
Email: jtenuto@camdencc.edu
Web: www.camdencc.edu

Crystal Killebrew
Title IX Deputy Coordinator (Employees)
Office of Human Resources
Camden County College
200 College Drive
Blackwood, NJ 08012
856-227-7200 ext. 4391
Email: ckillebrew@camdencc.edu
Web: www.camdencc.edu

Such a report may be made at any time (including during non-business hours) using the following options:

- e. Report online, using the reporting form posted at <https://www.camdencc.edu/title-ix/?highlight=title%20ix>. Anonymous reports are accepted but can give rise to a need to investigate. Camden County College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Camden County College respects Complainant requests to dismiss complaints unless there is a compelling

threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Camden County College to discuss and/or provide supportive measures.

- f. Contacting the Responsible Administrator, or other Title IX official listed above (If the alleged misconduct is on the basis of sex or gender). A complaint may be filed with the Responsible Administrator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section.
- g. Report using the harassment/discrimination hotline (856) 374-5089
- h. Contacting your Supervisor, Public Safety or Human Resources.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC).²

If notice is submitted in a form that does not meet this standard, the Responsible Administrator will contact the Complainant to ensure that it is filed correctly.

There is no time limitation on providing notice/complaints to the Responsible Administrator. However, if the Respondent is no longer subject to Camden County College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

4. Anonymous Reports

In order to maintain the fundamental fairness of the process, the Parties have a right to know who is providing evidence in relation to the allegation. Therefore A Complainant wishing to pursue an investigation, and witnesses participating in that process, cannot remain anonymous.

In most cases, when a Complainant chooses to remain anonymous, the College's ability to provide the full range of supportive and remedial responses (e.g.: No Contact Orders; reassigning the Respondent to a different location, etc.) will be more limited. In limited circumstances, such as where the health or safety of members of the College community are at reasonable risk of harm, the College may need to conduct some form of inquiry or remedial measures when and anonymous complaint is filed.

5. Privacy

The College values the privacy of its students or employees. The College wants all students or employees to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. The College will work to maintain the privacy of information shared with the Responsible Administrator or other relevant administrator as part of a report and the subsequent resolution process.

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with those involved in the Resolution Process, as well as other employees. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

6. Rights of the Complainant and Respondent

These Procedures for the investigation, adjudication, and resolution of harassment and discrimination complaints brought against a student, faculty member, staff member, prospective employee, independent contractor, or vendor of the College are designed to be accessible, prompt, fair, and impartial.

Throughout this process, both the Complainant and Respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the College.
- Privacy to the extent possible, consistent with applicable law and College policy.
- Information about the College's Non-discrimination, Harassment, and Sexual Misconduct Procedures
- A prompt and thorough investigation of the allegations.
- The opportunity to review all evidence to be used in making a finding and determining sanctions.
- Notification, in writing, of the case resolution, including the outcome of any appeals.

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Camden County College policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Camden County College encourages parties to discuss this with their Advisors before doing so.

7. Supportive Measures

The College will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged harassment, discrimination, and/or retaliation under this policy.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered to restore or preserve access to the

College's education programs or activities, including measures designed to protect the safety of the Parties and/or the College's educational environment and/or to deter harassment, discrimination, and/or retaliation.

Camden County College will maintain the privacy of the supportive measures, provided that privacy does not impair Camden County College's ability to provide the supportive measures. Camden County College will act to ensure as minimal an academic impact on the parties as possible. Camden County College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Education to the institutional community or community subgroup(s)
- Altering work arrangements
- Voluntary administrative leave
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the Parties
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Responsible Administrator

The Responsible Administrator promptly makes supportive measures available to the Parties upon receiving notice of an incident or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may pursue an investigation at that time or in the future, if they have not done so already. The Responsible Administrator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

If the Respondent is unknown or is not a member of the College community, the Responsible Administrator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the College can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Responsible Administrator.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

In circumstances where an investigation does not ensue (e.g.: where the allegation would not rise to the level of a violation, or where the Complainant does not participate in the process) the College's ability to provide these supportive measures may be more limited.

8. Advisors

The Complainant and Respondent may each choose and be accompanied to any meeting or interview related to these Procedures by an Advisor, who may provide support during such meeting or interview. During meetings and interviews, the Advisor may quietly confer or pass notes with the party in a non-disruptive manner. The Advisor may not provide evidence on behalf of their advisee. Consistent with the College's obligation to promptly resolve complaints, the College reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Advisor.

Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors are also expected to maintain the privacy of the records shared with them.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Investigator.

Any Advisor who unduly disrupts the Resolution Process or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor.

9. Initial Assessment

A. Overview of Responsive and Resolution Options

Following intake, receipt of notice, or a complaint of an alleged violation of the College's nondiscrimination policy, the Responsible Administrator engages in an initial assessment, which is typically one to five (1-5) calendar days in duration. The steps in an initial assessment can include:

- Emergency Removal and a Violence Risk Assessment
- The Responsible Administrator reaches out to the Complainant to offer supportive measures.
- The Responsible Administrator works with the Complainant to ensure they have an Advisor.
- The Responsible Administrator works with the Complainant to determine which of four options to pursue:
 - **Supportive Response** – Supportive measures offered to help restore the Complainant's access to employment and/or education.
 - If a supportive and remedial response is preferred, the Responsible Administrator works with the Complainant to identify their wishes and

then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

- **Informal Resolution** – Typically used for less serious offenses and only when the Parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
 - If an informal resolution option is preferred, the Responsible Administrator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- **Administrative Resolution** – Investigation of alleged policy violation(s) and recommended finding regarding allegations of harassment or discrimination that do not fall under Title IX jurisdiction. Recommendations by the investigator are subject to a determination by the Decision-Maker and the opportunity to appeal. Also known as “Process B.”
- **Formal Resolution** - Investigation of alleged policy violation(s), a formal hearing before an impartial decision-maker who determines finding and sanction, and the opportunity to appeal. This process is only used in cases involving Title IX jurisdiction. Also known as “Process A.”
- Determination of appropriate Interim and Supportive Measures deemed necessary through an individualized risk assessment to protect the health and safety of the Complainant, and/or other members of the College community.
- Other steps deemed appropriate by the Responsible Administrator.
- The Responsible Administrator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a Formal Grievance Process is preferred, the Responsible Administrator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Responsible Administrator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or

B. Emergency Removal and Violence Risk Assessment

In some cases, the Responsible Administrator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Responsible Administrator should pursue/sign a formal complaint

- absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Camden County College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. Where a VRA is required by the Responsible Administrator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

Camden County College can act to remove a student Respondent temporarily from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Responsible Administrator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Responsible Administrator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Responsible Administrator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Responsible Administrator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative

leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Responsible Administrator alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

C. Dismissal (Mandatory and Discretionary)¹⁶

1. Mandatory

Camden County College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- a. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
- b. The conduct did not occur in an educational program or activity controlled by Camden County College (including buildings or property controlled by recognized student organizations), and/or Camden County College does not have control of the Respondent; and/or
- c. The conduct did not occur against a person in the United States; and/or
- d. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Camden County College.

2. Discretionary

Camden County College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- a. A Complainant notifies the Responsible Administrator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by Camden County College; or
- c. Specific circumstances prevent Camden County College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Camden County College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

10. Resolution Options

A. Supportive Response

This method of resolution may be used when:

- The Responsible Administrator can resolve the matter informally by providing supportive measures (only) to remedy the situation; and/or
- When the Complainant does not wish to pursue an investigation; and/or
- When the allegation does not rise to the level of a violation; and/or
- Other circumstances as determined by the Responsible Administrator.

The Responsible Administrator will offer the Complainant reasonable Supportive Measures intended to restore or preserve access to the College's education programs or activities, including measures designed to protect the safety of the Complainant and/or the College's educational environment and/or to deter harassment, discrimination, and/or retaliation.

If the Complainant does not wish to pursue an investigation or alternative resolution, or wishes to remain anonymous and the College does not investigate the allegation, the matter can be addressed by offering and/or providing the Complainant with supportive measures. It is not necessary to file a complaint or proceed with the resolution process to use the Supportive Response.

There may be instances, such as when there are concerns about patterns, predation, threats, violence, other health or safety risks or concerns, or legal requirements where the Responsible Administrator may choose to proceed with the resolution process without the cooperation of the Complainant.

The Responsible Administrator will maintain a record of all Supportive Response actions taken by the College.

B. Informal Resolution

A Complainant or a Respondent may request that the matter be resolved using Informal Resolution. Upon request by one party, the Responsible Administrator will obtain voluntary, written confirmation that the Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Two options for Informal Resolution are detailed in this section.

- **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism [including mediation, restorative practices, facilitated dialogue, etc.], as described below.
- **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Resolution Process unless the Parties consent.

Additionally, when the alleged behavior does not rise to the level of misconduct, the Responsible Administrator may facilitate Informal Resolution between the Parties.

Informal Resolution may be pursued at any time in the Resolution Process. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Resolution Process. The Responsible Administrator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

1. Alternative Resolution

Alternative Resolution is an informal approach by which the Parties reach a mutually agreed upon resolution of a complaint. The Parties, as well as the Responsible Administrator, must consent to the use of an Alternative Resolution approach.

The Responsible Administrator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the Parties:

- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Resource availability
- Skill of the Alternative Resolution facilitator with this type of complaint

The ultimate determination of whether Alternative Resolution is available or successful is made by the Responsible Administrator. The Responsible Administrator is authorized to facilitate a resolution that is acceptable to the Parties, and/or to accept a resolution that is proposed by the Parties, including terms of confidentiality, release, and non-disparagement.

The Responsible Administrator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Alternative Resolution are not appealable.

2. Accepted Responsibility

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility for all of the alleged misconduct, the formal process may be paused and the Responsible Administrator will determine whether the Parties and the College are able to agree on responsibility, restrictions and/or remedies. If so, the Responsible Administrator implements the finding that the Respondent is in violation of College policy for all of the alleged misconduct.

The Responsible Administrator also implements agreed-upon restrictions and remedies, and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary. When a resolution is accomplished, the appropriate disciplinary sanctions and/or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community. This result is not subject to appeal.

If the Respondent accepts responsibility for some, but not all of the alleged misconduct, the matter will be forwarded to the Administrative Resolution Process (if not Title IX-based), or to the Formal Resolution Process (if Title IX-based) for determination on the remaining allegations, as well as sanctioning.

When the Parties cannot agree on all terms of resolution, the Resolution Process will continue through either the Administrative or the Formal Resolution process.

C. Formal Resolution (Process “A”) & Administrative Resolution (Process “B”)

Sections C.1., C.2. and C.3. below apply to both Administrative Resolution and Formal Resolution

1. Notice of Investigation and Allegations

The Responsible Administrator will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Parties upon determining an investigation is warranted.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination

- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about the College's policy on retaliation
- Information about the privacy of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the Parties that the College's policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the Resolution Process
- The name(s) of the Investigator(s) in advance of the interview process, any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the Parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

2. Beginning an Investigation

If there is reasonable cause to believe the Respondent has violated policy, the Responsible Administrator appoints the investigator(s) to conduct the investigation, vetting the assigned Investigator(s) to ensure impartiality by ensuring there are no disqualifying conflicts of interest or bias. Concerns regarding bias or conflict of interest may be raised with the Responsible Administrator, who will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned.

If there is insufficient evidence to support reasonable cause, the process is closed with no further formal action, though the College may, at its discretion, continue to provide supportive measures to the parties, or work towards an informal resolution.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

The Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of [and consent to]²¹ audio and/or video recording.

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Camden County College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

3. Steps in an Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Allow the parties to have an advisor of their choice present with them for all investigation interviews and related meetings.
- Interview the Parties and relevant witnesses/individuals and conduct follow-up interviews as necessary.
- Provide the Parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness, or a transcript or recording of the interview.
- Allow each party the opportunity to suggest questions they wish for the Investigator(s) to ask the other party and witnesses.
- Provide regular status updates to the Parties throughout the investigation.

4. Formal Resolution: "Process A" – Cases involving Title IX

a. Investigation Report for Formal Resolution

- Prior to the conclusion of the investigation, investigator(s) will write a draft investigation report fully summarizing the investigation and all relevant evidence.
 - The draft investigation report will not contain credibility determinations, findings or sanctions.
 - The report may initially be reviewed by legal counsel and/or the Responsible Administrator, or other relevant officials.
- Investigator(s) will provide the Parties with an electronic copy of the draft investigation report for their review, as well as all relevant and directly related evidence.

- Provide the Parties with a full and fair opportunity to respond to the draft report in writing within ten (10) calendar days and incorporate that response, if any, into the report.
 - The parties may elect to waive the full ten days.
 - Investigators may choose to respond to the Parties' comments in writing in the report to the responses of the Parties, and/or to share the responses between the Parties for their responses.
 - Investigators may gather additional evidence, as needed, based on the feedback of the Parties and/or incorporate any relevant feedback into the report
- Investigators will then finalize the investigation report and forward it to the decision-maker, the parties, and their advisors.
 - The final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report
 - The final report, as well as the directly-related evidence file, is also shared with the decision-maker in preparation for a Formal Resolution Hearing.
 - The final report will not contain credibility determinations, findings or sanction.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-Maker at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Decision-Maker.

b. Pre-Hearing for Formal Resolution

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Responsible Administrator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will/will not be recorded.

c. The Formal Resolution Hearing

In cases involving Title IX, a Formal Resolution Hearing (“Process A”) will occur where an impartial Decision-maker – appointed by the Responsible Administrator - will hear testimony and determine finding and sanction.

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Decision-Maker, the hearing facilitator (if used), the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Responsible Administrator and anyone providing authorized accommodations or assistive services.

i. Steps in a Formal Resolution hearing typically include the following (order of proceedings determined Decision-Maker):

- The Decision-Maker explains the procedures and introduces the participants.
- The Decision-Maker reviews the allegations and applicable policies.
- The Investigator(s) will then present a summary of the final investigation report, and will be subject to questioning by the Decision-maker and the parties (through their Advisors).
 - The Investigator(s) may be present during the entire hearing process, but not during deliberations.
- Brief Opening Statements by the Complainant and the Respondent
- Testimony of the Complainant
- Questioning of the Complainant by the Decision-Maker, their own Advisor, and the other party’s Advisor
- Testimony of witnesses
- Questioning of each witness by the Decision-Maker, and the Parties’ Advisors
- Testimony of the Complainant
- Questioning of the Respondent by the Decision-Maker, their own Advisor, and the other party’s Advisor.
- Closing Statements by the Complainant and Respondent

ii. Additional Elements of a Formal Resolution Hearing

The Decision-Maker will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-Maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

The Parties and witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

The Advisor, who will remain seated during questioning, will pose the proposed questions. All questions are subject to a relevance determination by the Decision-Maker. If the question is deemed relevant, the Party or witness may answer the question. The Decision-Maker may also ask that the question be rephrased. The Decision-Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Decision-Maker has final say on all questions and determinations of relevance, subject to any appeal.

The Decision-Maker may explore arguments regarding relevance with the Advisors, if the Decision-Maker so chooses. The Decision-Maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly.

The Decision-Maker may consult with legal counsel on any questions of admissibility. The Decision-Maker may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Decision-Maker has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Responsible Administrator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-Maker should not permit irrelevant questions that probe for bias.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with Camden County College’s established rules of decorum for the hearing, Camden County College may require the party to use a different Advisor. If a Camden County College-provided A refuses to comply with the rules of decorum, Camden County College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Hearings (but not deliberations) are recorded by Camden County College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Camden County College will be permitted to listen to the recording in a controlled environment determined by the Responsible Administrator. No person will be given or be allowed to make a copy of the recording without permission of the Responsible Administrator.

d. Decision-Making in Formal Resolution

The Decision-maker will typically take between three to five business days to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question, and to draft an outcome letter. The preponderance of the evidence is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Decision-Maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will then determine sanctions in the manner discussed in the Sanctions section of these procedures.

5. Administrative Resolution: “Process B” – Cases involving all other forms of Harassment and Discrimination

Administrative Resolution is used in all cases involving harassment or discrimination on the basis of protected class – except those falling under Title IX jurisdiction – that are not resolved through Supportive or Informal Resolution.

a. Investigation Report for “Process B”

- The investigator(s) will write a draft investigation report including all relevant evidence, analysis, credibility assessments, and recommended finding(s).
 - Investigator(s) will apply the preponderance of the evidence standard (i.e.: more likely than not) in making their recommended finding(s).
 - The report will contain a detailed rationale for, the findings and sanctions for each allegation to the extent the College is permitted to share such information under state or federal law.
 - The report will also recommend remedies to be provided to the Complainant to ensure access to the College’s educational or employment program or activity.
 - The report may initially be reviewed by legal counsel and/or the Responsible Administrator prior to being shared with the Decision-maker.
- The investigation report will be forwarded to the Decision-maker – who is appointed by the Responsible Administrator – for a prompt review and

determination.

- The Investigation Report will also include information on when the results are considered final by the College the relevant procedures and bases for appeal.

b. Decision-Making for “Process B”

- The Decision-Maker will review the report and then, typically within 5 business days, make the final determination on the basis of the preponderance of the evidence (i.e.: more likely than not).
- If the record is incomplete, the Decision-maker may direct a re-opening of the investigation.
- The recommendation of the investigator(s) should be strongly considered but is not binding on the Decision-Maker.
- The Responsible Administrator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.
- The Responsible Administrator promptly provides the parties with a written Outcome Letter. The Outcome Letter Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which Camden County College is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent Camden County College is permitted to share under state or federal law.
- The determination may be appealed by either party. The Outcome Letter also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings.

c. Formal Resolution Outcome Letter

The Decision-Maker will then prepare a written draft Outcome Letter and deliver it to the Responsible Administrator typically within five days of the conclusion of the hearing, unless the Responsible Administrator grants an extension. If an extension is granted, the Responsible Administrator will notify the parties. The draft Outcome Letter will detail the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

The Responsible Administrator will review the draft Outcome Letter and work with the Decision-Maker to finalize the Letter. The finalized Outcome Letter will include the following:

- Identify the specific policy(ies) reported to have been violated, including the relevant policy section
- A description of the procedural steps taken by Camden County College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held
- The finding on each alleged policy violation
- The findings of fact that support the determination
- Conclusions regarding the application of the relevant policy to the facts at issue
- A statement of, and rationale for, the result of each allegation to the extent Camden

- County College is permitted to share such information under state or federal law
- Any sanctions issued which Camden County College is permitted to share according to state or federal law
- Any remedies provided to the Complainant designed to ensure access to Camden County College's educational or employment program or activity, to the extent Camden County College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).
- When the results are considered by Camden County College to be final, any changes that occur prior to finalization
- The relevant procedures and bases for any available appeal options.

The Responsible Administrator will then share the final Outcome Letter, simultaneously with the parties and their Advisors. This is typically done within 7 business days of receiving the Decision-maker(s)' deliberation statement.

6. Sanctions for Formal and Administrative Resolutions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Responsible Administrator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

a. Student Sanctions

The following are the sanctions that may be imposed upon students or student organizations singly or in combination:

- Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Camden County College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation:* A written reprimand for violation of Camden County College Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Camden County College policy, procedure

- or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- iii. *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Camden County College. At the discretion of the Responsible Administrator, this sanction may be noted as a Disciplinary Suspension on the student's official transcript.
 - iv. *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Camden County College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
 - v. *Withholding Diploma and/or Official Transcripts*: Camden County College may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
 - vi. *Revocation of Degree*: Camden County College reserves the right to revoke a degree previously awarded from Camden County College for fraud, misrepresentation, or other violation of Camden County College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - vii. *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including Camden County College registration), for a specified period of time.
 - viii. *Other Actions*: In addition to or in place of the above sanctions, Camden County College may assign any other sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- i. *Warning – Verbal or Written*
- ii. *Performance Improvement/Management Process*
- iii. *Required Counseling*
- iv. *Required Training or Education*
- v. *Probation*
- vi. *Loss of Annual Pay Increase*
- vii. *Loss of Oversight or Supervisory Responsibility*
- viii. *Demotion*
- ix. *Suspension with pay*
- x. *Suspension without pay*
- xi. *Termination*
- xii. *Other Actions*: In addition to or in place of the above sanctions, Camden County College may assign any other sanctions as deemed appropriate.

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Responsible Administrator.

Failure to abide by the sanction(s)/action(s) imposed may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from Camden County College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Responsible Administrator.

7. Appeals for Formal and Administrative Resolutions

All requests for appeal consideration must be submitted in writing to the Responsible Administrator within 7 business days of the delivery of the written finding of the Responsible Administrator or Decision-maker. Any party may appeal the findings only under the grounds described below.

A [three-member appeals panel OR Appeal Decision-maker] chosen from the Pool will be designated by the Responsible Administrator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- a. A procedural irregularity affected the outcome of the matter
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- c. The Responsible Administrator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

When any party requests an appeal, the Responsible Administrator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 7 business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within 7 business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the Appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.

- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Responsible Administrator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Responsible Administrator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within 7 business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand. [Option: When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.]
- In rare cases when a procedural [or substantive] error cannot be cured by the original Investigator(s) and/or Responsible Administrator/Decision-maker (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to Camden County College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

D. Additional Resolution Process Issues

1. Witness Participation and Cooperation

Witnesses (as distinguished from the parties) who are College faculty or staff are expected to cooperate with, and participate in, the College's investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of College policy and may be subject to discipline.

Witnesses who are students are strongly encouraged to cooperate with, and participate in, the College's investigation and Resolution Process.

2. Evidence and Standard of Proof

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should

exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Responsible Administrator determines it is appropriate, a Title IX-based investigation, hearing, and finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the irrelevant character of the parties.

3. Time Frame for Complaint Resolution

The College will seek to resolve every report of sexual misconduct within ninety (90) calendar days after the filing of a complaint, including appeals. Time frames may vary depending on the complexity of a case and the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The College may extend any time frame for good cause, with a written explanation to the Parties.

4. Promptness

All allegations are acted upon promptly by Camden County College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. Time frames may vary depending on the complexity of a case and the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams).

Any time the general timeframes for resolution outlined in Camden County College procedures will be delayed, Camden County College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

5. Concurrent Criminal or Civil Processes

The filing and processing of a complaint of harassment or discrimination is separate from and independent of any criminal investigation or proceeding. On a case-by-case basis, the College may briefly delay its investigation (several days to weeks) when criminal charges based on the same behaviors are being investigated by law enforcement. Any delay will be communicated in writing to the parties, along with an updated timeline. The College's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. Neither law enforcement's decision whether to prosecute a respondent nor the outcome of a criminal prosecution is determinative of whether a violation occurred under the Nondiscrimination Policy.

6. Remote Processes

Interviews and hearings may be conducted remotely by phone, video conferencing, or similar technologies if the Investigator(s) and/or Decision-maker determine that timeliness, efficiency, or other causes dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal.

7. Recording

No unauthorized audio or video recording of any kind is permitted during the Resolution Process including investigation interviews and hearings. If Investigator(s) elect to audio and/or video record interviews, all involved parties will be made aware of the recording. All hearings will be recorded.

8. Previous Allegations/Violations

While previous disciplinary violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may consider previous good faith allegations and/or findings, when the information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

9. Counterclaims

Camden County College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Camden County College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Responsible Administrator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

10. Amnesty for Complainants and Witnesses

Camden County College encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Camden County College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

To encourage reporting and participation in the process, Camden County College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty—the incentive to report serious misconduct—is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help an individual who has experienced sexual assault to law enforcement and/or Camden County College.

The Recipient maintains a policy of amnesty for students who offer help to others in need.

Employees: Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have witnessed or experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy is then assaulted in the course of that relationship might hesitate to report the incident to Recipient officials.

Camden County College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

11. Character Witnesses

Character witnesses or evidence may be offered. The Investigator [and Decision-Maker] will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

12. Resignation While Charges are Pending

If an employee resigns with unresolved harassment or discrimination Policy allegations pending, the records of the Responsible Administrator will reflect that status, and any College responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status and whether the employee is eligible for rehire.

13. Long-Term Measures

Following the conclusion of the Resolution Process, in addition to any sanctions implemented, the Responsible Administrator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

At the discretion of the Responsible Administrator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Responsible Administrator will address any remedial requirements owed by the College to the Respondent.

14. Disability Accommodations in the Resolution Process

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Camden County College.

Anyone needing such accommodations or support should contact the Responsible Administrator, who will review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

15. Privacy

Every effort is made by the College to preserve the privacy of reports.³ Camden County College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which Camden County College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Human Resources, Enrollment and Student Services, General Counsel, Public Safety and the Title IX Committee. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Camden County College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

16. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Responsible Administrator in the Title IX case database.

Revision of these Procedures

These procedures supersede any previous Equal Opportunity procedures addressing harassment and discrimination on the basis of protected class (except sex, gender, and sexual orientation, and student-based disability). The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

These procedures will be reviewed and updated annually by the Responsible Administrator. Camden County College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Responsible Administrator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes.

