



KEAN



**A RESOURCE GUIDE FOR STUDENTS
ON SEXUAL MISCONDUCT:
CAMPUS POLICIES, PROCEDURES
AND SERVICES**

INTRODUCTION

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and/or stalking are violations of Kean University's Student Code of Conduct and its sexual misconduct policy. Our commitment is embodied in institutional policies that prohibit sexual misconduct as well as our adherence to federal and state laws such as Title IX, Title VII of the Civil Rights Act of 1964 (as amended in 1991), the Clery Act, the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), and the State of New Jersey's Campus Sexual Assault Victim's Bill of Rights. All members of the Kean community, guests and visitors are protected by Kean University's policies and federal and state legislation regardless of sexual orientation or gender identity.

Members of the campus community, guests and visitors have a right to be free from sexual misconduct. All members of the campus community must conduct themselves in a way that does not infringe upon the rights of others. Kean University's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the sexual misconduct policy, Kean University will impose sanctions, as noted specifically below.

All members of the campus community, guests and visitors are protected by this policy regardless of sexual orientation or gender identity. Kean University has jurisdiction over acts of sexual misconduct involving members of the campus community no matter where the misconduct occurs, on or off-campus. For details on the Kean University policy, please visit www.kean.edu/policies/sexual-assault-misconduct-violence or the Annual Campus Security & Fire Safety Report at www.kean.edu/annual-campus-security-and-fire-safety-report.



IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able to.
2. Seek immediate medical attention if you are injured or believe you may have been exposed to the risk of an STI/STD or pregnancy.
3. Contact any of the following for assistance:
 - a. **Title IX Coordinator**
908-737-3330
affiract@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - b. **University Police**
908-737-4800
kupolice@kean.edu
24-hours/7-days a week
 - c. **Student Services Advocate**
908-737-4880
hsnurses@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - d. **Health Services***
908-737-4880
hsnurses@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - e. **Counseling and Disability Services***
908-737-4850
counseling@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - f. **Vice President for Student Affairs**
908-737-7080
studentaffairs@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - g. **Office of Residential Student Services**
908-737-6800
reslife@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - h. **Office of Community Standards and Student Conduct**
908-737-5240
conduct@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - i. **Human Resources**
908-737-3300
Monday–Friday, 9 a.m.–5 p.m.
 - j. **Union County Rape Crisis Center***
908-233-7273
 - k. **Union County Sexual Assault Response Team (SART)***
908-233-7273
 - l. **24-hour Domestic Violence Hotline***
908-355-4357

**Denotes that this resource is confidential*

Hours of operation reflect regular business hours. Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are experiencing an emergency situation, you can call your local police by dialing 9-1-1.

It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You should avoid washing, bathing, urinating, etc. until after being examined at Kean University Health Services or the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you should seek a medical exam as soon as possible. Evidence collection should be done within 120 hours of an assault, but fluids, hair samples and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes as the hospital will keep the clothes

you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Police typically take custody of any evidence collected at the hospital. You can choose whether or not to speak with police and/or file a criminal complaint.

SEXUAL ASSAULT RESPONSE TEAM

Union County has a sexual assault response team, also known as SART, which has staff specially trained in helping victims of a sexual assault. Victims can choose which services that they would like to use in the event of a sexual assault SART can be contacted at 908-233-7273. You may speak with a SART representative confidentially.

Rape Care advocates are another essential component to the SART. Rape care advocates are trained to help you with the emotional aspects of an assault and to help guide you through the initial aftermath of an assault.

Health Services works closely with the Union County Sexual Assault Response Team. Health Services can contact SART upon your request. Health Services can also connect you with Counseling and Disability Services for counseling and support during this difficult time. Kean counseling services are free of charge to all Kean University students and can be reached at 908-737-4850.

You have the choice of how to proceed. Options include:

- 1) Do nothing until you are ready
- 2) Pursue resolution by the University, and/or
- 3) Initiate criminal proceedings,
- and/or 4) Initiate a civil process against the perpetrator.

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Kean University, students should contact the Office of Community Standards and Student Conduct or the Title IX Coordinator. Employees should contact Human Resources. Kean University procedures will be explained. Those who wish incidents to be handled criminally should contact Kean University Police or the local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Vice President for Student Affairs for more information at 908-737-7080.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

Confidential reporting: If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health counselors and/or health service providers on the Kean campus. Their services are free of charge. Clergy members, chaplains or off-campus rape crisis center staff also maintain confidential information.. Local resources such as crisis centers are also confidential and have no duty to report your information to the University.

Mandated reporting: All employees not designated as confidential above, are mandated reporters for all the details they are aware of about an incident. Unless an employee is identified as a confidential resource, they must report the incident to the Kean University Title IX Coordinator. They share this information with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents will be investigated and resolved in a prompt and equitable manner under the University's resolution procedures, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Title IX Coordinator provides you with remedies and resources without initiating a formal resolution process. The Title IX Coordinator will weigh your request for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally,

Kean University will be able to respect your wishes unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the University will offer you all available resources, supports and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides it is obligated to pursue formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies may be limited as a result of your decision not to participate.

Duties with respect to minors (those under age [18]) may require reporting to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed.

Immunity for Victims: Kean University encourages community members who may have experienced gender based or sexual misconduct to report the incident. Sometimes victims are hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, Kean University pursues a policy of offering victims amnesty from policy violations related to the incident.



SEXUAL MISCONDUCT: RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and Kean University fully recognizes that only those who commit sexual misconduct are responsible for their actions, Kean University provides the suggestions that follow to help members of the campus community reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

REDUCING THE RISK OF VICTIMIZATION

- ✓ Make any limits and/or boundaries you may have known as early as possible.
- ✓ Tell a sexual aggressor “no,” as clearly and firmly as possible.
- ✓ Remove yourself, if possible, from an aggressor’s physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone. Bystanders around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption, understanding that alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

REDUCE THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If they say “no”, accept it and don’t push. If you want a yes, ask for it, and don’t proceed without clear permission.
- ✓ Communicate your intentions to your potential sexual partner clearly, and give that person a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what’s okay in any interaction, ask.
- ✓ Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- ✓ Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Their loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. They may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that everyone is entitled to change their minds.
- ✓ Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to both verbal and non-verbal signals to avoid misreading intentions.
- ✓ Understand that consent to one type of sexual behavior does not automatically grant you consent to other types of sexual behaviors. If you are unsure, stop and ask.
- ✓ Understand that exerting power and control over another through sex is unacceptable conduct.

SEXUAL MISCONDUCT VIOLATIONS

The following are the definitions of conduct prohibited by the Kean University sexual misconduct policy.

SEXUAL HARASSMENT

Sexual Harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

HOSTILE ENVIRONMENT

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational [and/or employment], social and/or residential program.

Sanctions for sexual harassment range from warning through expulsion/termination.

RETALIATION

Retaliation is:

- Any adverse action,
- Taken against a person participating in a protected activity,
- Because of their participation in that protected activity
 - subject to limitations imposed by the 1st Amendment and/or Academic Freedom.

Sanctions for retaliation range from warning through expulsion/termination.

NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force

Sanctions for Non-Consensual Sexual Contact range from warning through expulsion/termination.

NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force

Sanctions for Non-Consensual Sexual Intercourse typically result in suspension or expulsion/termination.

SEXUAL EXPLOITATION

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

Sanctions for Sexual Exploitation range from warning through expulsion/termination.

INTIMATE PARTNER VIOLENCE

Intimate Partner Violence, defined as:

- violence or emotional and/or psychological abuse between those in an intimate relationship to each other;

Sanctions for Intimate Partner Violence range from warning through expulsion/termination.

STALKING

Stalking 1:

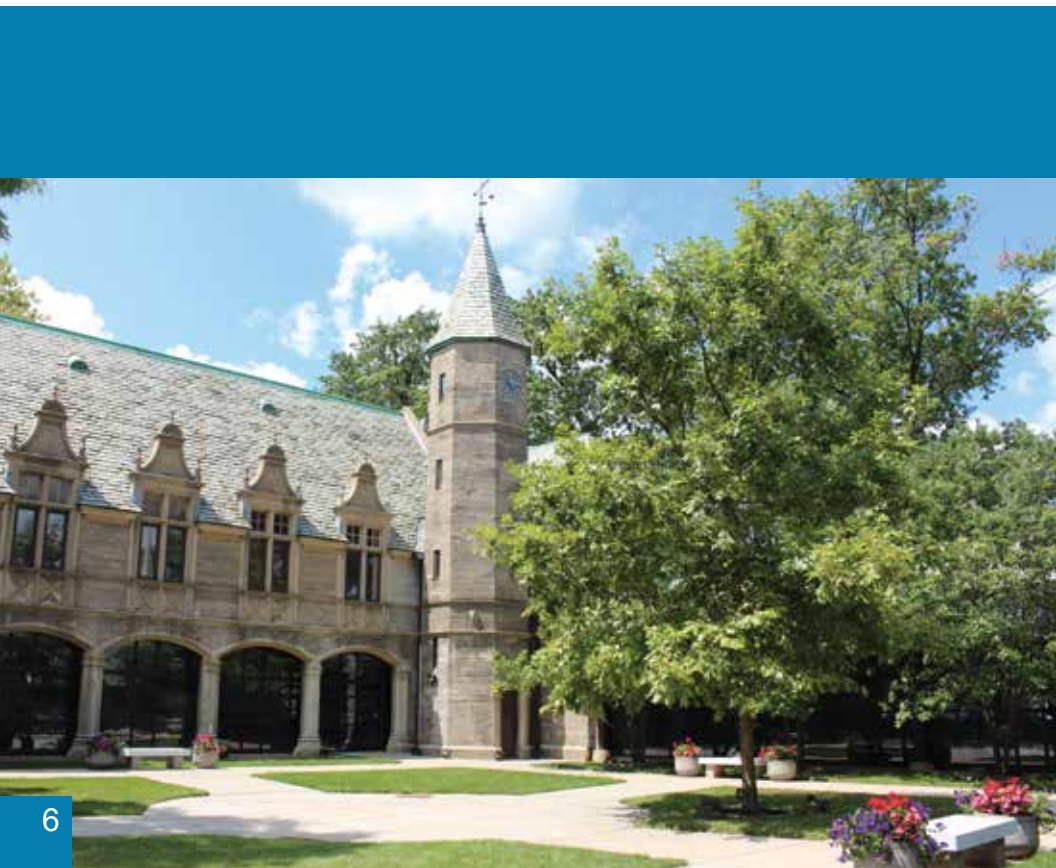
- A course of conduct
- Directed at a specific person
- On the basis of actual or perceived membership in a protected class
- That is unwelcome, AND
- Would cause a reasonable person to feel fear

Sanctions for Stalking 1 range from warning through expulsion/termination.

Stalking 2:

- Repetitive and Menacing
- Pursuit, following, harassing and/or interfering with the peace and/or safety of another

Sanctions for Stalking 2 typically result in suspension or expulsion/termination.



YOUR RIGHTS

Kean University strives to provide fair and equitable resolution processes that include both formal and informal options.

REPORTING

- Reporting Parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting Parties may decline to report to law enforcement if they so wish.
- Reporting students have the right to have their allegations investigated and resolved internally by the Kean University.

FAIRNESS

- All members of the campus community have the right to have reported sexual misconduct addressed according to the published Kean University procedures.
- All parties have equal opportunities to have a support person of their choosing [or offered by the institution] present throughout all resolution proceedings [including intake, interviews, hearings, etc.]. This support person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting Parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting Parties, their supporters and witnesses have a right to be free from retaliation.

SUPPORT

- Students have a right to be notified of their ability to access campus counseling and health services
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting Parties have the right to seek orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts and may seek the help of University Police in requesting and/or enforcing such orders.

REMEDIES

Kean University may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. These measures include, but are not limited to:

- Issuing interim suspensions pending a hearing,
- Reporting incidents to local police and/or prosecutors.
- Referral to counseling and health services
- Employee Assistance Program Referral
- Educational programming to the Kean community
- Altering the housing situation of the reporting or responding party
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation assistance
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a Reporting Party seeks formal resolution or makes a crime report to police.

CONSENT

Consent is informed, active and voluntary permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

MORE ABOUT CONSENT

CONSENT { *Knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.* }

Since different people may experience the same interactions differently, each party is responsible for making sure that their potential partner has provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Attempting to pressure the other person into sexual activity continuing constitutes coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists. Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in New Jersey, individuals must be at least 16 years old.

Force: Defined as the direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible, is a clear demonstration of a lack of consent.

Incapacitation: This is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they are unable to understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Individuals engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct.

The possession, use, distribution and/or administration of any incapacitating substances is prohibited.

The fact that a Responding Party was intoxicated and therefore did not realize that the Reporting Party was incapacitated does not excuse sexual misconduct.

PROCEDURES

The University's procedures are detailed fully at:
www.kean.edu/policies/sexual-assault-misconduct-violence

INTAKE

A University official will assist the Reporting Party with making choices and accessing resources. Assuming the Reporting Party chooses to move forward with a campus resolution, the next step is a Preliminary Inquiry.

All resolutions will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The University resolution process is confidential. The institution will protect the confidentiality of victims throughout the resolution process, consistent with the provisions of federal law. Title IX-related resolutions are not subject to publicly-available recordkeeping (e.g., FOIA) provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

PRELIMINARY INQUIRY

An initial determination is made about the allegations, and whether to move them forward to a formal investigation. This decision is made by the Title IX Coordinator, taking into account the nature of the allegations and the Reporting Party's wishes. If the decision is made to move forward, the Title IX Coordinator refers the allegations to the investigators.

INVESTIGATION

Upon receipt of a complaint or University police report, a conduct administrator of the Office of

Community Standards and Student Conduct will inquire as to the circumstances surrounding the event in question to determine whether there are sufficient grounds to believe that a violation of the Code occurred.

The conduct administrator will schedule interviews and obtain a written statement from the complainant, accused student, witnesses and/or other persons directly involved in the incident.

Based upon the sufficiency of the complaint or report filed, the conduct administrator may investigate the circumstances surrounding the incident in question and determine whether it warrants a Student Conduct Conference, a Student Conduct Hearing, or referral to the appropriate student conduct process within the University. If the conduct administrator determines the complaint does not warrant further action, the matter will be closed. Such determinations are appropriate where the complained conduct does not violate the Code, and/or when there is insufficient evidence to support a reasonable belief that the Code has been violated.

INTERIM ACTION

Pending the completion of the investigation and subsequent hearing process, the Vice President for Student Affairs, or designee, is authorized to place an accused student on interim suspension for reasons related to his or her physical or emotional safety and well-being, to protect the integrity of the investigation and/or for reasons relating to the safety and well-being of students, faculty, staff, or University property. In some cases, the accused student may be permitted to attend classes but be

suspended from all other campus activities. This determination will be made by the Vice President based upon his/her knowledge of the potential threat posed by the accused student's presence on campus. Whenever such action is taken, a Student Conduct Hearing will be convened within ten (10) business days unless an extension is agreed upon. The Student Conduct Hearing process is outlined below. At the time of an interim suspension, a Temporary Campus-Wide Notice of No Trespass or Temporary Residence Life Notice of No Trespass may be issued. These documents identify campus locations and events as off limits to the accused student until further notice.

Subject to the availability of the accused student, the Vice President for Student Affairs or designee will conduct a Student Conduct Conference prior to imposing an interim suspension. If the student is not available, an interim suspension may be imposed until such time as the accused student becomes available. At the Student Conduct Conference, the accused student will be given the opportunity to demonstrate to the Vice President for Student Affairs or designee a compelling reason (e.g. mistaken identity) why he/she should not be interim suspended pending a Student Conduct Hearing.

NO-CONTACT ORDER

The Vice President for Student Affairs may impose a limited or campus-wide No Contact Order between parties when the fear of retaliation and/or harassment may be present.

HEARINGS

CONDUCT OF THE HEARING

The hearing will be closed to all members of the campus and outside community except those directly involved with the complaint. The complainant and the accused student each have the right to be assisted by an advisor of their choice who is not a witness in the complaint. An advisor or legal counsel may be present to advise only and may not participate. Advisors who interfere with the proceedings can be excused by the hearing officer. An audio recording of the hearing is made and kept by the Office of Community Standards and Student Conduct.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing.

It is expected that participants and advisors will respect the dignity and privacy of Kean community members and keep private that which transpires during the hearing, in accordance with federal law.

Student witnesses, when called by the University on behalf of the complainant, the accused student, or the University, are required to participate in the hearing process.

The hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the hearing officer.
2. All participants and advisors will be introduced to the audio technician.
3. The hearing officer will recite

the complaint against the student and all Code sections alleged to have been violated.

4. The accused student will state whether he/she is responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions but believes there were circumstances that should be taken into consideration by the hearing officer in the determination of this complaint.
5. Statements regarding their respective positions may be given by the complainant and the accused student. The Hearing Officer may place reasonable time limitations on the statements.
6. The University reserves the right to assign a representative of the Office of Community Standards and Student Conduct to present the complaint.
7. Relevant records, documents, and written statements may be accepted and considered by the hearing officer.
8. The complainant and the accused student may be present throughout the entirety of the proceeding except for the deliberation phase. The complainant, the accused student and the Office of Community Standards and Student Conduct representative will be able to present witnesses who will be subject to questioning. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony. In the event that a witness is unavailable, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the accused student will be given full opportunity
9. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the hearing officer, and witnesses are instructed not to communicate with other witnesses outside the hearing during the proceedings.
10. All parties may question each other and the witnesses, and the hearing officer may direct questions as appropriate to any participant or require that all questions go through the hearing officer. Other accommodations may be utilized to ensure that the hearing is a safe space for participants. The complainant and the accused student may present concluding remarks. The Hearing Officer may place reasonable time limitations on the statements.
11. At the conclusion of the hearing, the hearing officer will advise the complainant and the accused student that his/her determination will be given, in writing, to the appropriate parties.
12. The accused student's prior student conduct record will be a factor in determining the appropriate sanction(s).
13. The complainant will not be notified of the outcome of the hearing EXCEPT in cases of violence, or sexual misconduct or offenses that fall under Title IX, once the decision of the hearing officer has been issued.
14. For each separate offense, the hearing officer will determine whether the accused student is responsible or not responsible. The decision will be based upon an evaluation of the information

to respond to the written statement at the hearing.

presented and a determination as to whether the Code was more likely than not to have been violated. For each violation, the hearing officer will impose an appropriate remedy and/or sanction.

15. The rules of evidence applicable to the courts do not apply to Code proceedings of this University community. Fair process applicable to this process is as defined in these procedures.

16. The conduct administrator may implement changes to these proceedings as needed that do not jeopardize the material fairness owed to the parties to any complaint.

Standard of Evidence: The University uses a preponderance of evidence standard. This means that decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

Past History: The past sexual history or character of an individual is not considered in hearings unless it is determined to be highly relevant to a resolution. All such information sought to be entered for consideration by a party or the Kean University will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by the responding party may be relevant to both the finding and the sanction imposed. Both reporting and responding parties will be notified in advance if such information has been deemed relevant and will be considered during the resolution process.

FINAL DETERMINATION

The parties will be informed in writing of the outcome of the University's resolution of sexual misconduct, without significant delay between the notifications to each party. This notice will include the institution's procedures for the parties to appeal, any change to the results that occurs prior to the time that such results become final, and when the University considers those results to be final.

APPEALS

All parties involved in sexual misconduct proceedings may appeal decisions within the designated time frame on the basis of the grounds permitted by Kean University policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level appeal. That decision is final. See the Student Code of Conduct (www.kean.edu/policies/Code-of-Conduct) for further details on appeals procedures.

PROGRAMS

- **Bystander Intervention:** The University offers bystander intervention programming to all students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.
- **Education and Training:** Faculty, staff and incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking and consent in compliance with the Violence Against Women Act.
- **Ongoing Campaigns:** Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty and staff.



KEAN OCEAN

Although any Kean University student may utilize the resources available to them that are based in any campus location, local resources are also available to students who take classes at the Kean Ocean campus in Toms River, NJ.

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able to.
 2. Seek immediate medical attention if you are injured or believe you may have been exposed to the risk of an STI/STD or pregnancy.
 3. Contact any of the following for assistance:
 - a. **Title IX Coordinator**
Kean University
908-737-3330
affract@kean.edu
Monday–Friday, 9 a.m.–5 p.m.
 - b. **Ocean County College Campus Security**
732-255-0451
24-hours/7-days a week
 - c. **Community Medical Center***
99 NJ-37, Toms River, NJ 08755
732-557-8000
24-hours/7-days a week
 - d. **Counseling Services***
Kean Ocean / Ocean County College
732-255-0400 x2945
Monday–Thursday, 9 a.m.–7 p.m.
Friday 9 a.m.–4 p.m.
 - e. **Vice President for Student Affairs**
Kean University
studentaffairs@kean.edu
908-737-7080
Monday–Friday, 9 a.m.–5 p.m.
 - f. **Office of Community Standards and Student Conduct**
Kean University
conduct@kean.edu
908-737-5240
Monday–Friday, 9 a.m.–5 p.m.
 - g. **Human Resources**
Kean University
908-737-3300
Monday–Friday, 9 a.m.–5 p.m.
 - h. **St. Francis Counseling Service, Sexual Abuse and Assault Program***
732-370-4010
 - i. **Ocean County Crisis Intervention Helpline***
732-240-6100
 - j. **Providence House-Domestic Violence Services***
732-244-8259
- *Denotes that this resource is confidential*

Hours of operation reflect regular business hours. Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are experiencing an emergency situation, you can call your local police by dialing 9-1-1.



WENZHOU-KEAN UNIVERSITY

Although any Kean University student may utilize the resources available to them that are based in any campus location, local resources are also available to students who take classes at the Wenzhou-Kean University campus in China.

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able to.
2. Seek immediate medical attention if you are injured or believe you may have been exposed to the risk of an STI/STD or pregnancy.
3. Contact any of the following for assistance:
 - a. **Executive Vice Chancellor**
Wenzhou-Kean University
(86) 577-5587-0801
Monday–Friday, 9 a.m.–5 p.m.
 - b. **Wenzhou-Kean University Security**
0577-5580110 or 0577-55870033
 - c. **Wenzhou-Kean University Health Services**
0577-55870120
 - d. **Suntree Counseling***
0557-0558701026
 - e. **Wenzhou-Kean University Residential Life**
0577-55870132
 - f. **Wenzhou-Kean University Office of Community Standards and Student Conduct**
0577-55870133
Monday–Friday, 9 a.m.–5 p.m.

**Denotes that this resource is confidential*

Hours of operation reflect regular business hours. Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

KEAN UNIVERSITY WELLNESS RESOURCES

Department of Public Safety and Police

Downs Hall
908-737-4800
kupolice@kean.edu
24 hours per day, 7 days per week

Heath Services

Downs Hall, room 126
908-737-4880
hsnurses@kean.edu
Monday–Friday, 9 a.m.–5 p.m.

Counseling Center

Downs Hall, room 127
908-737-4850
counseling@kean.edu
Monday–Friday, 9 a.m.–5 p.m.

Office of Student Conduct and Community Standards

Miron Student Center, room 317
908-737-5240
conduct@kean.edu
Monday–Friday, 9 a.m.–5 p.m.

STUDENT SERVICES ADVOCATE

The Office of the Vice President for Student Affairs has staff who provide free, confidential advocacy services to students who have experienced sexual assault, sexual harassment, domestic violence, or other gender-based or sex-based harassment or violence. Kean University's Student Services Advocate is exempt from the duty to report incidents of sexual misconduct to University administrators or to law enforcement, and will only facilitate the reporting of an incident of sexual misconduct with the student's consent. The Student Services Advocate will provide support and facilitate services and resources, including counseling and academic and housing accommodations. The Advocate will explain administrative policies and procedures as well as the role of law enforcement. Students who wish to speak to an advocate should contact Health Services at 908-737-4880 or email hsnurses@kean.edu.

LOCAL 24 HOUR HOTLINES

Union County

Trinitas Hospital 24 hour hotline: 908-351-6684

Union Country Rape Crisis Center Hotline: 908-233-7273

Union County Domestic Violence Hotline: 908-355-4357

Ocean County

St. Francis Counseling Service, Sexual Abuse and Assault Program 24 hour hotline: 732-370-4010

Ocean County Crisis Intervention Helpline: 732-240-6100

STATE/NATIONAL 24 HOUR HOTLINES

NJ Statewide Domestic Violence Hotline: 1-800-572-7233

**New Jersey Coalition Against Sexual Assault (NJCASA)
Hotline:** 1- 800-601-7200

NJ Hopeline: 1-855-654-6735

National Suicide Prevention Hotline: 1-800-273-8255

Veterans Crisis 24 hour Hotline: 1-800-273-8255 (Press 1)



KEY CONTACTS

TITLE IX COORDINATOR

Townsend Hall, room 133
908-737-3330

DEPARTMENT OF PUBLIC SAFETY AND POLICE

Downs Hall
908-737-4800

COMMUNITY STANDARDS AND STUDENT CONDUCT

Miron Student Center, room 317
908-737-5240

Updated 12/20/16

*This policy was revised
on 12/20/16 and
supercedes previously
enacted policies.*

Kean University is committed to establishing and maintaining a diverse campus community. Equal opportunity and diversity represent principles which are integrally woven into the University's mission. Kean University is committed to providing equal opportunity in employment and education, as well as equity of conditions for employment and education, to all employees, students and applicants without regard to race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. Sexual harassment is a form of unlawful gender discrimination and will not be tolerated.

Kean University follows the New Jersey State Policy Prohibiting Discrimination in the Workplace.



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