



Sexual Violence Relationship Violence Stalking

*Information on Reporting and
Resources for Victims and Survivors*



What is Sexual Violence*?

Sexual violence, which includes rape, is any unwanted physical contact with the intimate parts of a person's body for the purposes of sexual gratification, humiliation, or degradation. Sexual Violence can happen to anyone, regardless of gender.

What is Consent*?

Consent is defined by Seton Hall University as **clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activity**. Past consent between the participants does not imply future consent. Silence or the absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Someone who is incapacitated cannot give consent. Incapacitation may be due to the use of alcohol and/or other drugs, may be if a person is asleep or unconscious, or may be due to an intellectual or other disability that prevents the student from having the capacity to give consent.

What is Relationship Violence*?

Relationship violence (also known as, and can include, intimate partner violence, dating violence, and domestic violence) is a pattern of behavior in an intimate relationship used to establish power and control over another person through fear and intimidation. This can be verbal, emotional, and/or physical. Examples include: slapping, name-calling, damaging property, and threats of abuse or physical harm.

What is Stalking*?

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's personal safety or the safety of others or suffer substantial emotional distress.

Sexual violence can come in many forms, including: sexual harassment, rape, forcible touching, date rape, sexual abuse, stalking, domestic violence, molestation, indecent exposure, and dating violence. Crimes of a sexual nature are primarily committed by a perpetrator who needs to feel powerful and in control. Often, the victim, or survivor, fears for his or her life or physical well-being and feels that there is no choice but to do what the attacker wants. But submission does not equal consent. If you submit, it does not mean that you agreed to or accepted the situation. A survivor is never responsible for being sexually assaulted. The responsibility for the assault lies with the attacker.

*Please note that these definitions are contained within Seton Hall's Sexual Misconduct Policy, and may not be the same standard applied in a law enforcement proceedings.

Resources for Help

Reporting Options

On-Campus Private

Lori Brown
Director EEO Compliance
(973) 313-6132

Karen Van Norman
AVP & Dean of Students
Deputy Title IX Coordinator
(973) 761-9076

Rachelle Paul
Sr. Associate Athletics Director, SWA
Deputy Title IX Coordinator
(973) 761- 9494

Public Safety
(973) 761-9300

On-Campus Confidential

Counseling and Psychological
Services (CAPS)
(973) 761-9500

Health Services
(973) 761-9175

Campus Ministry
(973) 761-9545

NOTE: After hours & on weekends—for both the Dean of Students and Counseling—contact Public Safety to be connected to the person on-call. There is someone available 24/7.

Additional Campus Resources

Visa & Immigration Assistance
Office of International Programs
Presidents Hall, rm. 9
(973) 761-9072

Financial Aid
Bayley Hall
(800) 222-7183

Off Campus

South Orange Police Department
(973) 763-3000

Babyland Family Violence Program
(973) 399-3400

Essex County Rape Care Center
1-877-733-2273

Legal Services of New Jersey
1-888-576-5529
www.lsnj.org

Rape, Abuse, Incest National Network (RAINN)
www.rainn.org

Local Hospital (with expertise in responding to sexual violence)

Saint Barnabas Medical Center
94 Old Short Hills Road,
Livingston, NJ
(973)322-5000

Newark Beth Israel Medical Center
201 Lyons Avenue
Newark, NJ
1(800)843-2384

FIRST THINGS TO CONSIDER

Final Report – The investigators will prepare a final report stating their findings of fact. Based upon a standard of preponderance of the evidence, the investigators will determine if a violation of University policy has occurred. This will be included in the final report which is provided to appropriate University personnel, but it is not provided to the Complainant nor the Respondent.

Notice of Completion of Investigation – Both the Complainant and the Respondent will be notified of the investigation’s completion and findings.

Responsive Action – If is determined that a violation of University has occurred, the investigators will make recommendations as to responsive action. Final determination of responsive action is made by appropriate University personnel (i.e. supervisor, Human Resources). The Complainant is notified by the Director of the final determination.

Timelines

All matters are handled as promptly as possible. The exact timeline will vary depending upon the complexity of the matter, the number of individuals involved, etc.

Investigation and Final Report – will normally be completed within 50 days of receipt of the complaint by the Director.

Notice of Completion of Investigation – within 10 days of completion of the final report.

Responsive Action – will vary depending upon the nature of the action and any related personnel considerations.

ARE YOU IN DANGER?

If yes, call 911.

Public Safety can also pick you up from your location and bring you to campus. Call 973-761-9300.

Do you need medical attention?

You can receive medical attention at any medical facility; however, certain facilities have specially-trained staff to help survivors of sexual assault. Locally, these hospitals have sexual assault nurse examiners:

Newark Beth Israel Medical Center
201 Lyons Avenue
Newark, NJ
1(800)843-2384

Saint Barnabas Medical Center
94 Old Short Hills Road
Livingston, NJ
(973) 322-5000

It is important to preserve evidence that may be useful in obtaining a protection order or in proceeding with a criminal investigation should you choose to do so. Completing a forensic exam does not require you to file a police report or report to the University, although we encourage these reports if you are comfortable doing so.

Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy.

If possible, please do not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. Save items you were wearing, sheets, or towels in a paper bag. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of sexual assault, dating violence, domestic violence or stalking.

Your immediate and long-term safety is what’s most important. The resources and options outlined in this booklet may be helpful as you decide what next steps are a good fit for you.

Assistance and Campus Resources

Regardless of whether you choose to report what happened to local police or to the campus discipline system, there is assistance available to you, such as:

- Living accommodations - assistance with a room change or obtaining campus housing.
- Academic assistance - address difficulties with classes
- Transportation assistance – to help you get to the hospital, the police, etc.
- Counseling – confidential services available on campus
- Safety and Security – 24 hour escort service on campus
- No Contact Order – a University directive prohibiting direct or indirect contact between you and the Respondent when the Respondent is a student or employee.
- Persona Non Grata (PNG) – when the Respondent or the accused is not a student, he/she can be issued a PNG letter, limiting or prohibiting access to campus.

To obtain any of the above assistance, you are encouraged to speak with Dean of Students/Deputy Title IX Coordinator who will arrange the resources for you if requested and reasonably available. You can reach the Dean of Students at (973) 761-9076, or room 237, University Center. After hours and on weekends, you can contact the Dean through Public Safety by calling 973-761-9300.

We have a strict Non-Retaliation Policy

Retaliation against anyone who reports in good faith or who participates in the investigation process, is prohibited and is subject to disciplinary action. Retaliation is defined as an adverse action against an individual who has made a good faith report or complaint, or who has participated in the investigation of a report or complaint or otherwise exercised his/her rights under this policy or the law.

Timelines – The following timelines are estimates and the University may adjust them for individual matters as is necessary.

Investigation – normally concluded within four to six weeks of the date a complaint is made to the Dean of Students Office.

Notice and Respondent Choice of Responsibility/Withdrawal – Once the Respondent is notified of the alleged violation(s), he/she will have 48 hours to choose to accept responsibility for the violation(s), to deny responsibility, or to permanently withdraw from the University.

Scheduling of Hearing – The Student Conduct Review Board hearing will normally be scheduled within 20 days of the notice of the hearing notice.

Notice of Review Board Decision – The written decision is sent to the Complainant and the Respondent within 10 days of the hearing.

Response to/Appeal of Decision – Both the Complainant and the Respondent have 5 days to submit a written response/appeal.

Appeal Decision – The Appeal Authority’s written decision is sent to the Complainant and Respondent within 20 days of receipt of the Response/Appeal.

Employee Complaint Review Process

The person making the complaint or report is called the “complainant.” The person accused is called the “respondent.”

For full detail of the review process please see - <https://www13.shu.edu/offices/policies-procedures/guidelines-for-responding-to-complaints-discrimination-harassment-retaliation.cfm>

Investigation – The investigation is conducted by the Director of EEO Compliance/Title IX Coordinator (Director) and an assigned co-investigator. The investigators will interview the Complainant, the Respondent, and any witnesses with direct knowledge about the incident. The investigators will also collect any evidence that directly relates to the incident. Both the Complainant and the Respondent may be accompanied to any meeting by an adviser of their choice, within the parameters detailed in the procedure (see above link).

Student Disciplinary Process Overview

The person making the complaint or report is called the “complainant.” The person accused is called the “respondent.”

Investigation – The investigation is conducted by the Dean of Students/Deputy Title IX Coordinator and the Assistant Director for Public Safety (or designees). The investigators will interview the Complainant, the Respondent, and any witnesses with direct knowledge about the incident. The investigators will also collect any evidence that directly relates to the incident. The Complainant and Respondent will each have opportunity to review the summary report of his/her statement.

Referral for Charges – If the investigators determine that there is a sufficient basis to find that a violation of University policy may have occurred, the matter is referred for charges and a hearing. The notice of charges includes the full investigative report and is provided to the Complainant, the Respondent, and to the Student Conduct Review Board.

Hearing Process – Detailed information about the hearing process is available at <https://www13.shu.edu/offices/student-life/community-standards/upload/Seton-Hall-University-Student-Code-of-Conduct.pdf>. Accommodations may be made to support the parties involved such as remote access to the Review Board or use of a partitioned room. Both the Complainant and Respondent may ask questions of one another and of any witnesses through the Review Board, not directly to one another. Both parties may have an adviser of their choice at all meetings they attend related to the investigation and hearing, including the hearing itself.

Hearing Decision & Appeal – The Review Board makes a decision as to responsibility of the Respondent using the standard of preponderance of the evidence. Both parties receive the written decision of the Review Board simultaneously. Both parties have the same opportunity to submit a written response to or appeal of the Board’s decision. The written decision of the Appeal Authority is provided to both parties simultaneously. The decision of the Appeal Authority is final.

REPORTING OPTIONS

Seton Hall University is committed to maintaining a positive learning, working and living environment. When sexual harassment or sexual violence has occurred and the University is made aware, steps will be taken to end the harassment or violence, prevent its reoccurrence, and address its effects.

You may choose to talk to someone confidentially. Confidential means that the person with whom you talk cannot share the information you provide with anyone without your permission.

You may also choose to talk to someone privately. The Private Reporting Options are individuals who will respect your privacy and who assist you in obtaining resources and accommodations. They may be required by law or University policy to inform other University officials about the incident, including but not limited to the Title IX Coordinator.

Confidential Reporting On Campus:

- Counseling and Psychological Services (CAPS) (973)761-9500
- Campus Ministry (973) 761-9545
- Health Services (973)761-9175

Confidential Reporting Off Campus:

*To disclose **confidentially** the incident and obtain services from the state of New Jersey visit <http://www.state.nj.us/dcf/women/domestic/> or by calling the NJ Coalition Against Sexual Assault Hotline at 1(800) 601-7200.

Other assistance can also be obtained through:

- SurvJustice: <http://survjustice.org>
- Legal Momentum: <https://www.legalmomentum.org/>
- NJSCASA: <http://njscasa.org/find-help/>
- Safe Horizons: <http://www.safehorizon.org/>.

**Note that these hotlines and sites are for crisis intervention, resources, and referrals, and are not reporting mechanisms. Reporting Individuals are encouraged to additionally contact a campus official so that the University can take appropriate action in these cases.*

Private Reporting:

- Lori Brown, Title IX Coordinator, Director of Insurance & EEO Compliance (973) 313-6132
- Karen Van Norman, Title IX Coordinator, Associate Vice President & Dean of Students (973) 761-9076
- Public Safety and Security (973) 761-9300

MAKING a REPORT or COMPLAINT

You may choose to report to law enforcement, you may choose to report through the University's disciplinary process, you may report to both, or you may choose to access neither of the options. Seton Hall will protect your identity in publicly available information, such as within our annual security report. You can also access the assistance and accommodations listed on the previous page regardless of where you choose to report. We will also keep information about the accommodations private as well, as long as it does not limit our ability to provide them to you. If we would need to share information in order to provide an accommodation, we would notify you of what needs to be shared, why, and with whom prior to sharing the information.

REPORTING TO LAW ENFORCEMENT:

What law enforcement agency to report to can vary depending on the specifics of your case, but we can help you determine that and will assist you in reporting to law enforcement.

The number for South Orange Police Department is (973)-763-3000.

Many survivors find law enforcement to be a great resource. Others choose not to report to law enforcement. Seton Hall always encourages reporting, but we know that only you can determine if doing so is the right decision for you.

RESTRAINING ORDER;

A restraining order is a legal order of protection issued in the state of New Jersey. To obtain a restraining order, you must go to the law enforcement agency for where you live in NJ or for where the incident occurred. After taking your statement, the police will arrange for you to speak with a judge (usually by phone) who will issue a Temporary Restraining Order. You will then be given a court date for when the judge will determine if the Temporary Restraining Order will become Permanent. Again, we will assist you in getting to the police, the courthouse, or any other related places. You can find more details about restraining orders in NJ here - https://www.judiciary.state.nj.us/prose/11253_dv_act.pdf.

MAKING a REPORT or COMPLAINT DISCIPLINARY PROCESS or INVESTIGATION PROCESS

Regardless of whether or not you report to law enforcement, you can report to the University for review of the matter through our processes.

To make a report against a student or for detail about procedures, contact:
Karen Van Norman
AVP & Dean of Students
Deputy Title IX Coordinator
(973) 761-9076

To make a report against an employee, faculty member, or vendor or for detail about procedures, contact:
Lori Brown
Director EEO Compliance
Title IX Coordinator
(973) 313-3162

You have the right to:

*A prompt, fair, and impartial process from the initial investigation to the final result. This means a process that is completed within the timeframes laid out by our policy in a manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and the respondent, and conducted by officials without a conflict of interest or bias for either party that receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

*Have others present during the any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an adviser of your choice.

*Notification, in writing, of:

- * The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking.
- * The procedures to appeal the results.
- * Any change to the results.
- * When the results become final.

These same rights are afforded to the Respondent as well.