FAQ’s for Students Accused of Sexual Misconduct

Seton Hall University is committed to providing an atmosphere in which students can pursue their educational goals and achieve personal growth. Maintaining a safe environment for students, faculty and staff has long been recognized as an essential part of University life. All reports of sexual misconduct are taken seriously by the University.

The University has established policies and procedures and offers comprehensive services to ensure the well-being of all members of the University community. All forms of discrimination, harassment, sexual misconduct, and retaliation are prohibited on the campus. See Seton Hall University’s Policy Against Sexual Misconduct, Sexual Harassment and Retaliation at www.shu.edu/titleix.

Within the University’s process, the person making the allegations is referred to as the Complainant. The person whom the allegations have been made against is referred to as the Respondent.

What do I do if I am accused of sexual misconduct?
DO NOT contact the Complainant. You may want to speak with someone in the campus community who can act as your support person. The Office of the Dean of Students can explain the University’s conduct process for addressing sexual misconduct complaints.

You may also want to seek confidential counseling through Counseling and Psychological Services (CAPS), a member of the priest community, or seek support through off campus services in the community.

Can I have someone with me throughout this process?
Both the Complainant and the Respondent are permitted to have an adviser of choice. This adviser can be present during any meetings throughout the conduct process, and during any formal hearings, in an advisory and supportive manner. For full details on this policy, please see the Student Code of Conduct at http://www.shu.edu/offices/student-life/community-standards/community-standards.cfm

Can I be charged with something on campus and off campus?
Yes, the Complainant has the right to pursue both campus resolution of a complaint as well as civil and/or criminal resolution. It is up to the Complainant to decide how he/she wants to proceed. The University’s process will move forward regardless if there is criminal or civil legal action taken regarding the same incident.

What else should I be thinking about as this situation moves forward?
The University prohibits retaliation in anyway against an individual who has reported an allegation of sexual harassment or sexual violence or who has participated in the conduct process in response to such an allegation (see Policy below). Be mindful of your actions and behavior and avoid all direct and indirect contact with the Complainant.

Student Conduct Process
If the Complainant files a complaint against the Respondent, the matter will be investigated and may go to a hearing board. Conduct proceedings are governed by the procedures set forth in the Seton Hall Code of Conduct.

For more information on the Code of Conduct and/or student conduct proceedings, please contact the Office of the Dean of Students, (973)761-9076 or visit http://www.shu.edu/offices/student-life/community-standards/community-standards.cfm.
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.

DUE PROCESS
Students accused of a violation of the Student Code of Conduct are assured of the following rights:

- To a hearing by an unbiased hearing body (Student Conduct Administrator/Review Board).
- To have an advisor present at any related meeting or hearing.
- To written notice of the charges which indicates the time and place of the hearing. Proper written notification shall be defined as delivery of mail to a student’s on-campus mailbox, hand-delivered by campus staff, delivery of information via electronic message to a student’s assigned campus e-mail account or delivered by the U.S. Post Office to a student’s local address. Students shall be held responsible for the contents of mail for which they have failed to retrieve and/or read or refused receipt.
- To have equal access to the Investigative Report, if any, as that of the Complainant.
- To object to a Board member who is serving in the capacity of the hearing body on the basis of bias. The Board chair will determine the validity of the objection.
- To not participate in any meeting or hearing. If a student chooses to not participate, the process will proceed without benefit of his/her input.
- To hear and respond to all information presented against her/him. This includes the right to question all parties directly or through the hearing body, as determined by the Board chair.
- To present information and witnesses on his/her own behalf.
- To written notification of the results of a hearing normally within ten days after the hearing. Both the Complainant and the Respondent will be informed of the decision at the same time.
- To appeal the outcome of a hearing, except in cases where the accused accepts responsibility for violation of the stated policy(ies). A student must be informed of her/his right to appeal and the process by which to do so.

Resources & Contacts

**On Campus - Private**
- Lori Brown
  Director of Insurance & EEO Compliance, Title IX Coordinator
  (973) 313-6132
- Karen Van Norman
  AVP & Dean of Students, Deputy Title IX Coordinator
  (973) 761-9076
  (973-761-9300 for afterhours support)
- Kelly Freeman
  Director of Student Life - IHS Campus
  Deputy Title IX Coordinator
  (973) 542-6983
- Public Safety and Security – IHS Campus
  (973) 542-6600

**On Campus - Confidential**
- Counseling and Psychological Services
  IHS Campus (973) 542-6984
  For afterhours psychological emergencies call: (973) 761-8500
- Health Services – South Orange Campus
  (973) 761-9175
- Chaplain – IHS Campus
  (973) 761-9846

**Off Campus**
- Nutley Police Department
  (973) 284-4940
- For more resources and information regarding Sexual Misconduct, please visit: www.shu.edu/titleix