HOW NJIT HANDLES A REPORT OF SEXUAL MISCONDUCT INVOLVING STUDENTS

Sexual Assault • Sexual Harassment • Stalking • Dating/Domestic Violence

START HERE

Report of sexual misconduct is received by Title IX Coordinator

NJIT prohibits sexual harassment, sexual assault, domestic violence, dating violence, and stalking. NJIT also prohibits retaliation against any persons who, in good faith, reports or makes a Formal Complaint of sexual misconduct or who testifies, assists, or participates or refuses to participate in any manner in an investigation or resolution process under this policy.

The Title IX or Deputy Coordinator will contact the student to provide the following:

- Explain the student’s rights and options
- Provide supportive measures as needed such as academic accommodations, counseling, etc.
- Connect student to resources
- Understand the student’s preferences regarding next steps.

What would you like to see happen?

I don't want to take any action at this time. I would just like some support.

I want some action taken, but I don't want to go through a formal hearing or investigation.

I want to move forward with the formal investigation process.

Resources Provided

No Investigation

Resources and referrals will be provided to the student; a No Contact Order can be implemented. A student can choose to pursue an informal or formal resolution at a later time.

In certain circumstances, a formal complaint may be filed by the Title IX Coordinator based on the severity and impact of the alleged conduct.

Informal Resolution

The Title IX Coordinator can conduct an educational training, or offer other appropriate remedies such as mediation. Informal resolutions can occur if both parties voluntarily agree to participate.

*Formal Resolution

Title IX Investigators will interview the parties. Both parties may have an Advisor present. Investigators will interview any relevant witnesses, collect evidence, and write an investigatory report which will be reviewed by the parties and shared with the hearing officer for a hearing.

*See more details on page 2

NJIT strongly encourages reporting of all incidents of sexual violence in order for students to protect themselves and others. In the event of an emergency, contact Public Safety at (973) 596-3111.

For more information about Title IX at NJIT, call (973) 596-3466 or visit www.njit.edu/titleix
# NJIT Formal Resolution and Hearing Process

## Review
The Title IX Coordinator will determine if the report falls under the Title IX grievance procedures for students. If the report does not constitute a potential sexual misconduct violation under Title IX, the grievance procedures under the Code of Student Conduct will be utilized.

## Notice of Investigation & Allegation
A Notice of Investigation will be delivered to both parties. If the Respondent accepts responsibility for the alleged conduct, appropriate sanction(s) and protective measures will be issued. If the Respondent does not accept responsibility for the alleged conduct, Title IX Investigators will be assigned to the investigation.

## Interviews & Evidence
The Title IX Investigators will conduct initial interviews (and follow-up interviews as needed) with the parties and relevant witnesses. Both the Complainant and Respondent may have an advisor present at interviews. The Investigators will prepare a detailed report.

## Report Review
An investigative report will be shared with each party and their advisor for review. Each party has no less than 10 days to provide a response. A final investigative report will be shared with the parties for final review prior to the hearing with no less than 10 days for response.

## Hearing Notice
All parties will have no less than 5 days notice of the hearing time and place. The investigative report will be provided to the Hearing Officer in advance.

## Live Hearing
Each party will have an opportunity to provide an opening statement as well as respond to questions asked by the Hearing Officer or Advisor. If a party does not have an Advisor, one will be provided by NJIT for the hearing. Advisors are required at hearings.

## Written Determination
Both parties will be notified simultaneously of the written determination including any sanctions or remedies within 10 days.

## Appeals
Either party may appeal the determination regarding responsibility and/or the dismissal of a Formal Complaint within five (5) calendar days of the date of the letter of notification of the decision being appealed.

### Understanding Roles

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<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
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<tbody>
<tr>
<td><strong>TITLE IX COORDINATOR</strong></td>
<td>Responsible for the implementation of the Title IX program and for coordinating compliance with Title IX, the Clery Act, and this policy</td>
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<tr>
<td><strong>TITLE IX INVESTIGATOR</strong></td>
<td>Responsible for conducting a thorough investigation by conducting interviews, collecting evidence, and writing an investigatory report.</td>
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<tr>
<td><strong>HEARING OFFICER</strong></td>
<td>Responsible for facilitating the live hearing, determining whether NJIT policies have been violated and issuing any sanctions and/or protective measures.</td>
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<tr>
<td><strong>APPEALS OFFICER</strong></td>
<td>The Vice President of Human Resources or Vice President for Student Affairs serve as Appeals Officers and determine the outcome of appeals.</td>
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<tr>
<td><strong>ADVISOR</strong></td>
<td>Each party may elect to have one advisor of their choosing present during any stage of the formal or informal resolution process. The advisor’s function is solely to observe, provide support, and provide guidance or advice to the party (outside of a hearing).</td>
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