



Title IX
Sex-Based Harassment/Sex Discrimination Response Policy
Revised August 1, 2024

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I. INTRODUCTION

Centenary University (“Centenary” or the “University”) is committed to maintaining an academic and workplace environment free from all forms of unlawful sexual, sex-based and gender-based harassment, discrimination and retaliation. Centenary is an Equal Opportunity and Affirmative Action Employer. Centenary adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education. Centenary does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of race, creed, color, religion, disability, veteran status, gender, age, marital status, sex, sexual orientation, gender identity or expression, sex stereotypes, sex characteristics, pregnancy or related conditions, genetic information, citizenship, ethnic or national origin, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any resolution process on campus, within the Equal Employment Opportunity Commission, or other human rights agencies.

TITLE IX STATEMENT

The following Title IX Sexual Harassment/Discrimination Response Policy (the “Policy”) outlines Centenary’s efforts to comply with Title IX of the Education Amendments of 1972, as amended effective August 1, 2024 (“Title IX”), which prohibits discrimination (including sex-based harassment and sexual violence) on all forms of sex distinction based on sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation and gender identify in the University’s educational “Programs and Activities,” as such term is defined below, as well as retaliation for asserting or otherwise participating in claims of sex discrimination. The University will implement this Policy consistent with the requirements of Title IX.

At the outset, it should be noted that Centenary has designated Christine Rosado, the University’s Director of Human Resources and Equal Employment Opportunity Officer, to serve as the Title IX Coordinator, and Julie Lorenzo, Senior Human Resources Generalist, to serve as the Deputy Title IX Coordinator. The University’s Director of Human Resources/Title IX Coordinator coordinates Centenary’s compliance with Title IX and other applicable laws prohibiting sex and gender-based harassment, discrimination and retaliation. Each individual is available to any student and employee, including faculty and student workers, current and prospective students and employees, and any visiting/temporary students and adjunct employees participating or attempting to participate in Centenary’s educational Programs and Activities, who may be seeking additional information, support, or wishing to file a report or complaint related to prohibited conduct under this Policy.

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The University will respond promptly and effectively to any and all reports alleging violation(s) of this Policy, and will take appropriate action to prevent, correct and if necessary, discipline individuals who violate this Policy.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting the [U.S. Department of Education's website](https://www.ed.gov/office-for-civil-rights) or calling 800-421-3481.

SCOPE OF POLICY

This Policy governs the University's procedures and protocols for responding to incidents of sexual, sex-based and gender-based harassment, discrimination, or retaliation in both employment and access to educational opportunities occurring within a University "Program or Activity," as such term is defined herein. The scope of persons subject to this Policy are the University's students and employees, including faculty and student workers, current and prospective students and employees, and any visiting/temporary students and adjunct employees participating or attempting to participate in Centenary's educational Programs and Activities. These persons are all considered members of the campus community and are entitled to the University's response procedures as set forth herein.

Non-members of the campus community who engage in discriminatory actions within a University "Program or Activity" are not under the jurisdiction of this Policy but can be subject to actions that limit their access and/or involvement with the University as the result of their misconduct. All vendors and third-party contractors serving the University are subject to the policies and procedures of their employers.

A University "Program or Activity" means on the campus or on property owned or controlled by the University, at University-sponsored events, and other circumstances over which the University exercises substantial control. Importantly, this includes all of the University's Programs or Activities, whether occurring on or off-campus, and any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (such as a fraternity or sorority house). The Policy may also apply to online behaviors when the Title IX Coordinator determines that the conduct affects a substantial University interest. The Policy also applies to any conduct that is subject to the University's disciplinary authority. Regardless of where the conduct prohibited by this Policy occurred,

the University will address all allegations to determine whether it occurred in the context of its employment or educational Program or Activity and/or has continuing effects on such Programs or Activities. A substantial University interest includes:

- a) 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;
- b) Any situation where it appears that the “Respondent” (as such term is defined herein) may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the University.

If the “Complainant” (as such term is defined herein) is unknown or is not a member of the University community, the Title IX Coordinator¹ will make reasonable efforts to identify the Complainant for purposes of identifying appropriate campus and local resources and “Supportive Measures,” such as those described in this Policy. This may include, when criminal behavior is alleged, contacting local or campus law enforcement if the individual would like to file a police report. In addition, the University may take other actions as appropriate to protect the Complainant from such third parties, such as barring them from University property and/or events.

Where the Complainant is enrolled in or works at another University, the Title IX Coordinator can assist the Complainant in liaising with the Title IX Coordinator for that University, as it may be possible to allege violations through that University’s policies.

Similarly, the Title IX Coordinator 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 the University where sex-based harassment policies and procedures of the facilitating organization may give recourse to the Complainant. Further, even where the Respondent is a not a member of the University community, remedies and resources can be accessed by contacting the Title IX Coordinator.

All information regarding prevention awareness programs and bystander intervention for all incoming and returning students as well as new employees can be found on the University’s website at www.CentenaryUniversity.edu.

LIMITED AMNESTY (STUDENTS)

Sometimes, reporting parties or witnesses are hesitant to report to University officials or

¹ All references to Title IX Coordinator throughout these policies include the Coordinator’s designees.

participate in resolution processes because they fear they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs.

While the University does not condone underage drinking or violation of other University policies, it considers reporting sex-based harassment, domestic violence, dating violence, or stalking to be of paramount importance. To encourage reporting and adjudication of sexual assault, domestic violence, dating violence, or stalking, the University extends limited amnesty to students who have been Complainants and cooperating witnesses of a Title IX offense. The University will generally not seek to hold the student responsible for minor violations of the law (e.g., underage drinking) or the Code of Student Conduct during the period immediately surrounding an incident/report of sex-based harassment, discrimination or retaliation.

LAWS REGARDING DISCRIMINATION AND SEX-BASED HARASSMENT

The University abides by all applicable federal, state and local laws that prohibit unlawful discrimination or harassment on the basis of race, creed, color, religion, disability, veteran status, gender, age, marital status, sex, sexual orientation, gender identity or expression, sex stereotypes, sex characteristics, pregnancy or related conditions, genetic information, citizenship, ethnic or national origin, or any other protected category under applicable local, state, or federal law, in any educational or employment program, policy or practice of the University. By way of example, and without limitation, Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex and national origin in employment practices. Title IX of the 1972 Education Amendments, as amended, prohibits discrimination on the basis of sex in a University's education Programs or Activities. Sexual harassment is a form of sex discrimination and is therefore prohibited under Title IX. The Federal courts, and the Equal Employment Opportunity Commission (EEOC) in its April 1980 Sexual Harassment Guidelines, have ruled that the sex-based harassment of employees constitutes unlawful sex discrimination and is a violation of Title VII. Discrimination and sex-based harassment are violations of federal and state law as well as serious violations of Centenary University policy and will not be tolerated.

POLICY AGAINST RETALIATION

The University prohibits unlawful retaliation against anyone who has reported unlawful sexual, sex-based and gender-based harassment, discrimination, or retaliation, as well as those who support any individual making such complaint or who provide information or participate in an investigation into any such good faith complaint or report.

Under Title IX retaliation is defined as intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education Program or Activity, for the purpose of interfering with any right

or privilege secured by Title IX or the regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.

Fear of retaliation should not be a barrier to reporting incidents of sex-based harassment or discrimination, or to the making of any good faith complaints whatsoever. Retaliation is a serious violation of Centenary University policy and will not be tolerated. Retaliation is, in addition to the underlying conduct about which a Complainant has complained, grounds for disciplinary action. Anyone who experiences conduct that they believe to be retaliation, should immediately report it to the Title IX Coordinator at 908-852-1400 x2334.

It shall not be retaliation for a Respondent to provide information and evidence, or to dispute the allegations to Investigators and Decision Makers in defense of allegations of sex-based harassment, discrimination or retaliation under this Policy.

PREGNANCY POLICY

If the University is informed of a student's pregnancy or related conditions, the employee will provide the student with the Title IX Coordinator's contact information and inform the student the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's Programs and Activities. Once the student or student's representative notifies the Title IX Coordinator, the University shall inform the student of its obligations to not discriminate based on the student's current, potential, or past pregnancy or related conditions. The University must also offer the student the option of reasonable modifications as needed to prevent discrimination and ensure equal access to the University's Programs and Activities. The student shall be allowed a voluntary leave of absence for the period of time medically necessary. The University shall provide individuals access to a clean and private lactation space, and employees will be provided reasonable break time for lactation.

PREVENTION AND EDUCATION

The University is committed to preventing sex-based harassment and educating its faculty, staff, and students about sex-based harassment. The Title IX Coordinator, Deputy Title IX Coordinator, Campus Security Authorities, Dean of Students, and other faculty and staff receive annual training regarding the University's Sexual Harassment/Discrimination Response Policy. Similarly, new students will receive sex-based harassment information through presentations given during new student orientation and will have access to this Policy at all times.

DEFINITIONS

Definitions Relevant to Sex-Based Harassment

Sex-Based Harassment: Sex-based harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the University, agent, or other person authorized by the University that explicitly or implicitly conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (otherwise known as “quid pro quo harassment”);
- (2) Hostile environment harassment (defined below); or
- (3) Any instance of sexual assault, as defined by the Clery Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA), which definitions are included herein.

Hostile Environment: A “hostile environment” exists when unwelcome sex-based conduct, determined by the totality of the circumstances to be subjectively and objectively offensive, is so severe or pervasive that it limits or denies a person equal access to the University's education Program or Activity.

A hostile environment can be created by anyone involved in a University Program or Activity (e.g., administrators, faculty members, students, and campus visitors).

To make the ultimate determination of whether a hostile environment exists for a student or employee, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the degree to which the conduct affected the student or employee's ability to access the University's Program or Activity; (2) the type, frequency, and duration of the conduct; (3) the parties' ages, roles within the Program or Activity, previous interactions, and other facts about each party that may be relevant to evaluating the effects of the conduct; (4) the location of the conduct and the context in which it occurred; and, (5) the other sex-based harassment in the Program or Activity.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

This policy does not seek to impair the exercise of rights protected under the First Amendment. Rather, this Policy prohibits only sexual, sex-based or gender-based harassment that creates a hostile environment, which is not protected speech. In this and other ways, the University applies and enforces this policy in a manner that respects the First

Amendment rights of students, faculty, and others.

Quid pro quo Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes *quid pro quo* sex-based harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of evaluation of an individual's educational development or performance.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under a University Activity or Program, for the purpose of interfering with any right or privilege secured by Title IX or the regulations, or because the person has reported possible sex discrimination, made a complaint, or participated or refused to participate in any way in the Title IX process.

Pregnancy or Related Conditions: Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation, medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation, and recovery from pregnancy, childbirth, termination of pregnancy or lactation.

Sexual Assault: Consists of either non-consensual sexual intercourse or non-consensual sexual contact.

Non-Consensual Sexual Intercourse: Any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes: vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

Non-Consensual Sexual Contact: Any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual touching includes: intentional contact with the breasts, groin, genitals, or mouth, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

Consent: Consent is knowing, 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 showing consent at some point during the interaction or thereafter, but clear communication from the outset is the University's expectation. Consent cannot be given by someone who is forced to provide consent, or by a person that is incapacitated.

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, though 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 clearly communicated. If consent is withdrawn, sexual activity should cease as soon as the withdrawal is reasonably communicated and understood. 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 the University to determine whether policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of the 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.

Incapacitation: The physical and/or mental inability to make informed, rational judgments (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). 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. A person violates this Policy if they engage in sexual activity with someone they know to be, or should have known to be, physically or mentally incapacitated. 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. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. The question of whether the Respondent should have known of the incapacity is an objective question about what a reasonable person, exercising sober, good judgment, would have known, in the same or similar circumstances.

In New Jersey, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of this Policy, even if the minor welcomed the sexual activity.

Intimidation: Intimidation is behavior that places another person in reasonable fear of harm to their person or property. Intimidation can be manifested emotionally or physically, either directly or indirectly, and by use of social media.

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 overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”). Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of 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. NOTE: Silence or the absence of resistance alone is not consent. While not required or necessary, resistance is a clear demonstration of non-consent. Consent is not demonstrated by the absence of resistance. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced.

Sexual Exploitation: Occurs when a person takes 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 behavior does not otherwise constitute sex-based harassment under this Policy. Examples of sexual exploitation include, but are not limited to: sexual voyeurism (such as: watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed); 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; administering alcohol or drugs (such as rape drugs) to another person without their knowledge or consent (assuming the act is not completed); exposing one’s genitals in non-consensual circumstances.

Dating violence: The term “dating violence” means violence committed by a person —

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated

with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New Jersey, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of New Jersey.

Stalking: Repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Definitions Relevant to Title IX Sex Discrimination and Sex-Based Harassment Proceedings

Complainant: An individual who is alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment, or a parent who is legally authorized to act on behalf of the individual.

Complaint: An oral or written allegation by a Complainant of sex discrimination or sex-based harassment against a Respondent and requesting that the University investigate the allegation. At the time of filing a Complaint, a Complainant must be participating in or attempting to participate in the education Program or Activity of the University with which the Complaint is filed. A Complaint may be filed in writing with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by the University. In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will honor a Complainant's request not to proceed with a Complaint investigation, however, may initiate a Complaint if based on a fact-specific determination the conduct alleged presents an imminent and serious threat to the health or safety of the Complainant or other person or prevents the recipient from ensuring equal access based on sex to its education Program or Activity. If the Title IX Coordinator initiates a Complaint, he/she will notify the Complainant prior to doing so and appropriately address any reasonable concerns about the Complainant's safety or the safety of others.

Document Filed by a Complainant: A document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint. Where the Title IX Coordinator signs a Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the "Grievance Process" established by this Policy.

University Program or Activity: Title IX governs sex discrimination or sex-based harassment that occurs in the University's education Programs or Activities, including at any locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged sex discrimination or sex-based harassment occurs, and also includes any building owned or controlled by a student

organization that is officially recognized by a postsecondary institution.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment.

Notification to Title IX Coordinator: Any employee of the University who has the authority to take corrective action or who has responsibility for administrative leadership, teaching, or advising in the University's education Program or Activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. All other non-confidential employees of the University are obligated to either notify the Title IX Coordinator or provide the Title IX Coordinator's contact information to any person who provides the employee with information about conduct that may reasonably constitute sex discrimination.

Grievance Process: The formal procedures employed by the University following the filing of a Complaint, as more particularly set forth in 34 C.F.R. 106.45 (Sex Discrimination) and 34 C.F.R. 106.46 (Sex-Based Harassment) of Title IX and as articulated in Section III of this Policy. The University will implement the Grievance Process consistent with the requirements of Title IX.

Responsibility Determination: A written determination regarding the responsibility of the Respondent for the sex discrimination or sex-based harassment allegations, based upon findings of fact and conclusions regarding the application of the University's code of conduct to the facts, as well as a rationale for the result as to the allegations, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education Program or Activity will be provided by the University to the Complainant. The Responsibility Determination shall also explain the University's procedures and permissible bases, as applicable, for the Complainant and Respondent to appeal the determination.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint or where no Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sex-based harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that

maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator and the Student Support Coordinator are responsible for coordinating the effective implementation of supportive measures.

Investigator: The person(s) designated by the University to carry out a formal investigation set forth in a Complaint alleging sex discrimination or sex-based harassment. As explained in this Policy, the Investigator has the burden of gathering sufficient evidence for the Decision Makers to render a Responsibility Determination. The Investigator will be one who is trained on the definition of sex discrimination and sex-based harassment, the scope of the University's education Programs or Activities, and how to conduct an impartial investigation, free from prejudgment of the facts, conflicts of interest, or bias.

Decision Makers: Persons designated by the University to preside over the Live Hearing (or any information process voluntarily agreed to by parties) component of the Grievance Process and render a Responsibility Determination. The Decision Makers will be trained on the definition of sex discrimination and sex-based harassment, the scope of the University's education Programs or Activities, the evidentiary standards applicable and relevant to the Responsibility Determination, and the need to preside without prejudgment of the facts, conflicts of interest, or bias.

II. TITLE IX REPORTING AND RESPONSE PROCEDURES

RIGHTS OF ALL STUDENTS AND EMPLOYEES IN CONNECTION WITH TITLE IX PROCEEDINGS

The rights of all students and employees, including faculty and student workers, current and prospective students and employees, and any visiting/temporary students and adjunct employees, who may be seeking additional information, support, or to file a Complaint related to sex discrimination or sex-based harassment include, in part, the following:

- The right to a prompt, supportive, and equitable response by the University to students and employees who are alleged to be victims of sex discrimination or sex-based harassment;
- The right, to a certain degree, to control the University-level response with a request for Supportive Measures and/or the filing of a Complaint;
- The right to a full investigation of the alleged sex discrimination or sex-based harassment;
- The right to initiate and/or participate in the Grievance Process described herein, which shall be consistent with due process principles, and include appropriate notices and an opportunity to present evidence and witnesses at a Live Hearing;

- The right to have an advisor of their choosing (who can be an attorney) throughout the Grievance Process;
- The right to a written Responsibility Determination in resolution of the Grievance Process;
- The right to appeal the Responsibility Determination, as applicable; and
- The right to forego the Grievance Process and voluntarily participate in an informal resolution process.

PRESERVATION OF EVIDENCE

If you have experienced alleged sex discrimination, sex-based harassment, sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the scene is not disturbed. Preservation of evidence may be necessary to pursue remedies. Victims of sex-based harassment, sexual violence/assault should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital.

It is also important to take steps to preserve evidence in cases of stalking; to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc., rather than evidence of physical contact and violence.

REPORTING SEX DISCRIMINATION OR SEX-BASED HARASSMENT

Who Can Report vs. Who Must Report

As a general rule, Title IX states that ***any person may report*** sex discrimination or sex-based harassment regardless of whether they are the alleged victim of conduct that could constitute sex discrimination or sex-based harassment, and regardless of whether they are a member of the campus community.

However, all members of the University (students, and faculty, staff, and administrators who have authority to take corrective action or responsibility for administrative leadership, teaching, or advising in the University's education Program or Activity) who are aware of or witness prohibited conduct as defined in this Policy **must** promptly report all details of the reports they receive or the behavior they witness to the Title IX Coordinator or its designees whom are authorized to take corrective measures on behalf of the Title IX Coordinator. Further, all other non-confidential employees are obligated to either notify the Title IX Coordinator or provide the Title IX Coordinator's contact information to any person who provides the employee with information that may reasonably constitute sex discrimination or sex-based harassment. In this vein, all members of the University are considered "Non-Confidential Resources" because they cannot keep information concerning an alleged incident of sex discrimination or sex-based harassment confidential. Rather, they must report such information to the Title IX Coordinator, Christine Rosado or its designees so that

the University can respond to the report or allegations in accordance with this Policy. The Title IX Coordinator’s designees include the Deputy Title IX Coordinator Julie Lorenzo, and the Vice President for Student Life and Dean of Students and Student Support Coordinator Kerry Mullins. Such personnel will assist the Complainant in navigating this Policy and/or notifying law enforcement, if such assistance is requested.

Failure of a Non-Confidential Resource to report an alleged incident of sex discrimination or sex-based harassment of which they become aware is a violation of this Policy and can result in disciplinary action against such persons.

All other reporting parties may want to carefully consider whether they share personally identifiable details with Confidential or Non-Confidential Resources. The following section describes the different mechanisms that can be utilized to report alleged incidents of sex-based harassment.

How to Report

1. Non-Confidential Reporting

As noted, any person – regardless of their status with the University – **may** report sex discrimination, including sex-based harassment to the Title IX Coordinator or its designees.

Centenary considers ***all employees (including student employees)***, other than those employees designated as confidential resources below, to be Non-Confidential Resources. Non-Confidential Resources are obligated to report any information they have about conduct that reasonably may constitute sex discrimination or sex-based harassment to the Title IX Coordinator or its designees. In addition, non-employees are also encouraged to report violations.

Reports can be made in person, by mail, by telephone, or by electronic mail to the contacts listed below:

Phone: 908-852-1400

Title IX Coordinator–Christine Rosado	x2334
Deputy Title IX Coordinator–Julie Lorenzo	x2364
Student Life–General Number	x4291
Security Office	x2720 or “0”

After 4:30 p.m. students should report directly to their Complex Director, Graduate Resident Director or Resident Assistant; employees should contact Security at “0.”

2. Confidential Reporting

Additionally, anonymous reports can be made by reporting parties and/or third parties using the online reporting form posted at www.lighthouse-services.com/CentenaryUniversity, or by calling the reporting hotline at 800-401-8004 (English speaking) or 800-216-1288 (Spanish speaking); or by email reports@lighthouse-services.com or by fax at 215-689-3885. Note that these anonymous reports may prompt a need for the University to investigate.

Support, Medical and Counseling Resources for Students: Students are encouraged to utilize the following resources for **confidential discussion** and support related to sex-based harassment or discrimination and its effect. Because of the confidentiality afforded to these relationships, however, students should know that these confidential resource persons are **not** in a position to report the harassment to University officials or to intervene to end the discrimination. However, confidential employees must share how to contact the Title IX Coordinator, detail how to make a complaint of sex discrimination or sex-based harassment, and explain how the Title IX Coordinator may be able to offer and coordinate supportive measures.

Confidential resources include:

Counseling Center: 908-852-1400 x2125

Health Services: 908-852-1400 x2206

Chaplain: 908-852-1400 x2234

Other Reporting Considerations

False Allegations and Information

Once an allegation of a violation of this Policy has been made and if it is determined that a faculty member, staff member/employee or student knowingly made a false or dishonest accusation of unlawful sex-based harassment, discrimination and/or retaliation, or knowingly provided false information in the course of an investigation of such a Complaint, such conduct *will be grounds for disciplinary action, up to and including discharge in the case of a staff member/employee, expulsion in the case of a student, and dismissal for cause in the case of a faculty member governed by Article IX of the Constitution.* The determination of false allegations will not be based solely on the determination of whether sex-based harassment, discrimination and/or retaliation occurred.

Federal Timely Warning Obligations / Personally Identifiable Information

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to

members of the campus community. The University will ensure personally identifiable information obtained in the course of complying with Title IX is not disclosed (except if having obtained prior written consent or when the information is disclosed to the parent of a minor), while still providing enough information for community members to make safety decisions in light of the potential danger.

Federal Statistical Reporting Obligations

The University is also obligated to report sexual assault, domestic violence, dating violence, and stalking to the Chief Security Officer for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. This reporting helps provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the Complainant and may be done anonymously.

The University's federal statistical reporting obligations are carried out through the University's Chief Security Officer.

UNIVERSITY RESPONSE TO SEX DISCRIMINATION OR SEX-BASED HARASSMENT ALLEGATIONS

The University will act on any and every formal or informal allegation of sex discrimination or sex-based harassment that is received by the Title IX Coordinator² or its designees who have been authorized to institute corrective measures or who have responsibility for administrative leadership, teaching, or advising in an education Program or Activity on behalf of the University. The procedures described below apply to all allegations of sex discrimination or sex-based harassment involving either a student or employee.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another, etc.).

All other allegations of student misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the student handbook.

² All references to Title IX Coordinator throughout these procedures include the Coordinator's designees.

Title IX Coordinator Response

Upon notice of an alleged incident of sex discrimination or sex-based harassment in a University Program or Activity to the Title IX Coordinator, or to any official of the University who has authority to institute corrective measures or who have responsibility for administrative leadership, teaching, or advising in an education Program or Activity on behalf of the University, the Title IX Coordinator or Student Support Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. In the event a Complaint is filed, certain Supportive Measures may also be made available to the Respondent.

The types of Supportive Measures that may be implemented include, but are not limited to:

- Referral to counseling, medical, and/or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup
- Altering campus housing situation
- Altering work arrangements for employees or student-employees
- Altering access to University facilities, Programs or Activities
- Safety planning
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support
- Offering adjustments to academic deadlines, course schedules, etc.

The University will maintain as confidential any Supportive Measures being implemented, provided confidentiality does not impair the University's ability to provide the Supportive Measures. Any Supportive Measures taken will be at no cost to the Complainant or Respondent.

The University will treat Complainants and Respondents equitably in response to all alleged incidents of sex discrimination or sex-based harassment arising under this Policy. The University will generally not impose interim disciplinary actions against any Respondent before the Grievance Process outlined in Section III of this Policy is carried out. However, the University may suspend/remove a Respondent from a University Program or Activity on an emergency basis when, in the judgement of the University, there is an immediate threat to

the physical health or safety of any student, employee or other individual arising from the allegations of sex discrimination or sex-based harassment. In such instances, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the suspension/removal.

The University may also place a non-student employee Respondent on administrative leave during the pendency of the Grievance Process.

Special Considerations for Anonymous Complainants

This Policy allows any individual, including third parties, with information regarding an alleged incident of sex discrimination or sex-based harassment in a University Program or Activity, to report such information anonymously and/or keep the identity of the Complainant (i.e., person alleged to be a victim of such conduct) anonymous. Note, however, that in order for the University to provide Supportive Measures to a Complainant, at least one school official (e.g., the Title IX Coordinator) will need to know the Complainant's identity.

The University will maintain the confidentiality of the Complainant's identity during its interim response and implementation of Supportive Measures. Where a Complainant desires to file a Complaint and proceed with the Grievance Process, the Complainant cannot remain anonymous to the Respondent. However, the identities of Complainants, Respondents, and witnesses may be kept confidential from anyone not involved in the Grievance Process.

Complaint Against Title IX Coordinator

If any complaint under this Policy is made against the Title IX Coordinator, the functions assigned to that person under this Policy will be transferred to an individual designated by the President of the University.

III. FORMAL GRIEVANCE PROCESS

COMMENCEMENT OF THE GRIEVANCE PROCESS

The procedures described below are provided for the prompt and equitable resolution of Complaints and are applicable regardless of whether the Complainant is a student or employee. Unlike the initial reporting of an alleged incident of sex discrimination or sex-based harassment, the Complaint ensures that the Grievance Process identified below is carried out based on an intentional decision on the part of either the Complainant or the Title IX Coordinator.

Right to an Advisor

As a preliminary matter, it should be noted that throughout the Grievance Process, the Complainant and Respondent have the right to be accompanied to any related meeting or

proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. Except as otherwise indicated below, such advisor shall be retained by the Complainant and/or Respondent at their sole cost and expense. The parties may also pursue pro bono legal services offered by certain non-profit organizations and other agencies.

The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them. The parties may choose advisors from inside or outside the campus community. The parties may choose their advisor or proceed without an advisor. However, a party's chosen advisor must be one who is not otherwise involved in the resolution process, such as serving as a witness.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees to prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal advisory rights throughout the Grievance Process, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one. However, if a party does not have an advisor present to conduct cross-examination at the "Live Hearing" described in this Policy, the University will provide an advisor of the University's choice without fee or charge to that party for purposes of conducting cross-examination at the Live Hearing.

The Decision to File a Complaint

As noted throughout this Policy, all Complainants have a certain degree of rights with respect to the control of the University's response to allegations of sex discrimination or sex-based harassment. A Complainant (i.e., alleged victim) can choose not to file a Complaint. In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will honor a Complainant's request not to proceed with a Complaint investigation, however, may initiate a Complaint if based on a fact-specific determination the conduct alleged presents an imminent and serious threat to the health or safety of the Complainant or other person or prevents the recipient from ensuring equal access based on sex to its education Program or Activity. In deciding whether a Complaint must be pursued, the Title IX Coordinator and/or Deputy Title IX Coordinator will consider the increased risk that the Respondent will commit additional violations of this Policy, such as:

- whether there are, or have been other reports of sex discrimination or sex-based harassment made against the Respondent;
- whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;

- whether the Respondent has threatened further sex-based discrimination, harassment or other violence against the Complainant or others;
- whether the conduct was allegedly committed by multiple persons;
- whether the sex-based harassment was perpetrated with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the alleged conduct (e.g., security cameras or personnel, physical evidence);
- whether the reported incident of sex-based harassment reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the Title IX Coordinator or Deputy Title IX Coordinator determines that it will file a Complaint, the Title IX Coordinator or Deputy Title IX Coordinator will inform the Complainant prior to such filing and appropriately address any reasonable concerns about the Complaint’s safety or the safety of others. Ongoing Supportive Measures will be available throughout the process. In such cases, the Title IX Coordinator is not considered the “Complainant” or otherwise a party to the Grievance Process and will serve free from bias or conflict of interest for or against either the Complainant or Respondent.

Filing a Complaint

As noted, any Complainant participating in or attempting to participate in a University Program or Activity has the right to file a Complaint alleging sex discrimination or sex-based harassment against a Respondent and requesting that the University investigate the allegations. A Complaint maybe oral or in writing submitted in person, by telephone, by mail, or by e-mail to:

Christine Rosado
Title IX Coordinator
Seay Administration Building
400 Jefferson Street
Hackettstown, NJ 07840
Christine.Rosado@CentenaryUniversity.edu
P: 908-852-1400 x2334

or

Julie Lorenzo
Deputy Title IX Coordinator
Seay Administration Building
400 Jefferson Street
Hackettstown, NJ 07840

Julie.Lorenzo@CentenaryUniversity.edu
P: 908-852-1400 x2364

Note that there is no time limit or statute of limitations on a Complainant's decision to file a Complaint, and individuals are able to file a Complaint even if they choose to leave the University as a result of the alleged discrimination or for other reasons. There is also no requirement that the Complaint set forth a detailed statement of facts. However, Complainants are encouraged, to the greatest extent practical, to provide the following information (if known):

- The Complainant's name and status as either a student or employee (including faculty and student-employees);
- The basis for the Complaint, including a brief description of what is alleged to have occurred, the dates, times and locations of the alleged incident, etc.;
- The name and position/status of the Respondent and their status with respect to the University, if any;
- A statement that the Complainant is requesting an investigation of the allegations;
- The signature of the person filing the Complaint and date of signature;

In cases where the Complainant is a minor student, the parents or legal guardians of the Complainant may file a Complaint.

Except as provided herein, no third parties (i.e., persons other than the alleged victim of sexual assault or their parent or legal guardian, or the Title IX Coordinator) may file a Complaint on behalf of either the Complainant or the University.

In the event the University receives multiple Complaints as to allegations of sex discrimination or sex-based harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, and the allegations arise out of the same facts or circumstances, the University may consolidate the Complaints.

Notice of the Complaint

Upon receipt of the Complaint, the Title IX Coordinator will provide a written notice ("Notice of Complaint") to the parties whose identities are known, explaining the following:

- The Grievance Process (or voluntary informal resolution process, if applicable) set forth in this Policy;
- The allegations potentially constituting sex discrimination or sex-based harassment known at the time of the Notice of Complaint, including the identities of the parties involved in the incident (if known), the conduct allegedly constituting sex

discrimination or sex-based harassment under this Policy, and the date and location of the incident (if known);

- The Respondent's right to prepare a response to the Complaint before any initial interviews are conducted, which shall be prepared within seven (7) business days of the Notice of Complaint;
- The fact that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is not made until the conclusion of the Grievance Process;
- The fact that a Responsibility Determination must be supported by a preponderance of the evidence gathered/presented, meaning evidence sufficient to show it is more likely than not that the allegations against the Respondent are true;
- The fact that the parties have the right to an advisor of their choice, who may be, but is not required to be, an attorney;
- The fact that parties and their advisors have the right to submit, inspect and review evidence; and
- The fact that this Policy prohibits any of the University's students or employees, including faculty and student workers, from knowingly making false statements or knowingly submitting false information during the Grievance Policy.

The Notice of Complaint will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, the Notice of Complaint will be presumptively delivered.

In some instances, the Notice of Complaint will advise the parties of the right to submit to a voluntary informal resolution process (i.e., mediation). ***The informal resolution process is only available in cases where the Complaint alleges sex-based harassment between a non-student employee and another non-student employee, or between a student and another student. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.***

Where available, the informal resolution process may be initiated at any time before a Responsibility Determination is reached. The informal resolution process can only be initiated upon the parties' voluntary, written consent. Under no circumstances will the parties be required to submit to an informal resolution process or otherwise waive their right to an investigation and adjudication of the Complaint as described below. Any parties choosing to submit to an informal resolution process have the right to withdraw from the process and resume the Grievance Process up until the time that an agreed-upon resolution is reached.

Respondent Admission

In the event the Respondent admits responsibility for the allegations of the Complaint, the University will determine an appropriate responsive action, including the appropriate sanction(s). Any such sanctions will be promptly implemented in order to effectively stop the conduct forming the basis of the Complaint, prevent its recurrence, and remedy the effects of the incident, both to the Complainant and the community.

If the Respondent only admits to part of the alleged policy violations, such admission will become a part of the evidentiary record of the Grievance Process, subject to consideration by the Decision Makers in reaching its determinations.

INVESTIGATION OF COMPLAINT

Timeline of Investigation

The University will designate objective Investigators to conduct a reasonably prompt investigation of the allegations set forth in the Complaint, which concludes with the issuance of an "Investigative Report." Specifically, the Investigators shall aim to complete their investigation within a sixty (60) business daytime period, which can be extended as necessary and upon notice to the parties. However, it shall be understood that some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The Investigators 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, as appropriate.

Effect of Other Proceedings

It shall be understood that the University's investigative action(s) are not typically altered or precluded on the grounds that the same allegations of the Complaint are the subject of civil or criminal charges. However, the Investigators may undertake a short delay in their investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the University's Grievance Process are being investigated by law enforcement. The Investigators will promptly resume their investigation once notified by law enforcement that the initial evidence collection process is complete.

Scope of Investigation

The scope of the University's investigation shall be limited to the allegations set forth in the Complaint and described in the Notice only. If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the Notice, the University will provide a supplemental notice to the parties of the additional allegations.

Objective Standard of Investigation

It is the University's burden, by and through its designated Investigators, to gather sufficient evidence for the Decision Makers to reach a determination regarding the responsibility of the Respondent. This does not mean that the Investigators are tasked with seeking out inculpatory evidence. Rather, the Investigators, much like the Title IX Coordinator and the Decision Makers, must proceed at all times with the presumption that the Respondent is not responsible for the alleged conduct and avoid prejudgment of the facts at issue.

The Complainant and Respondent are permitted and encouraged to provide any inculpatory and exculpatory evidence related to the allegations of the Complaint, as well as any witnesses that may have relevant information concerning those allegations. The parties should proceed with the understanding that **the standard of review** ultimately governing the Responsibility Determination is the "preponderance of evidence" standard. This means that in order for a Respondent to be found responsible for the alleged incident of sex-based harassment or discrimination, the evidence must show it is more likely than not that the allegations are true.

Investigative Process

As part of the investigation process, the University typically takes the following steps, if not completed already (not necessarily in order):

- In coordination with campus partners (e.g., the Title IX Coordinator, Student Support Coordinator), initiates or assists with any necessary interim Supportive Measures;
- Identifies all University policies implicated by the allegations of the Complaint;
- Evaluates the allegations of a Complaint to determine if any of the following grounds for dismissal exist:
 - If the conduct alleged in the Complaint would not constitute sex-based harassment or discrimination, even if proved;
 - If the conduct alleged in the Complaint did not occur in a University Program or Activity;
 - If the conduct alleged in the Complaint did not occur against a person in the United States participating in a University Program or Activity;

The above-noted assessment may be addressed at the outset of the investigation and at any time during the Investigation or Live Hearing. Any such dismissal does not preclude the University from taking other action under other provisions of the University's Code of Conduct.

- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses;
- Interview all relevant individuals and conduct follow-up interviews as necessary to obtain relevant evidence and to access credibility through questioning.
- The Investigators will make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance where possible, and allow each party the opportunity to suggest questions they wish the Investigators to ask of the other party and witnesses.
- Provide the parties and witnesses with an opportunity to review and verify the Investigators' summary notes from interviews and meetings with that specific party or witness.

The Investigators will make reasonable efforts to conclude the investigation promptly and without unreasonable deviation from the intended timeline. The parties will be given periodic status updates regarding the status of the investigation.

Witness Cooperation

Witnesses (as distinguished from the parties) who are faculty, students or staff of the University are expected to cooperate with and participate in the University'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 this Policy and may be subject to discipline.

Witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigators determine that timeliness or efficiency dictate a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, if deemed appropriate by the Investigators, though this approach is not ideal.

No unauthorized audio or video recording of any kind is permitted by any party during investigation meetings. If Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

The University will also take reasonable steps to protect the privacy of all parties and witnesses during the pendency of the grievance procedures.

Opportunity for Parties to Review Evidence

The Investigators will grant the parties a full and fair opportunity to fully inspect and review any and all evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint. The purpose of this provision is to afford the parties an opportunity to respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigation, the Investigators will send each party and their advisors, if

any, the evidence subject to inspection and review in an electronic format or hard copy, and the parties will have at least ten (10) business days to submit a written response, which will then be considered by the Investigators in their development of an “Investigative Report.”

Preparation of Investigative Report

The Investigators will create an “Investigative Report” that fairly summarizes relevant evidence that has been gathered, and sets forth a date, time and location of a Live Hearing where designated objective “Decision Makers” will consider the evidence and hear live witness testimony. The Investigative Report will be sent to each party and their advisor, if any, at least ten (10) business days prior to the date of the Live Hearing, for their review and written response.

LIVE HEARING

Following the Investigation, unless the parties submit to a voluntary information resolution process, the University shall, through designated "Decision Makers," conduct a Live Hearing. The Live Hearing may, at either the University's discretion or the request of the parties, be held with the parties physically present in the same geographic location, or in separate rooms of the same location or different locations with technology enabling the Decision Makers and parties to simultaneously see and hear the proceeding.

The Live Hearing will be recorded by (video/transcribed) and, upon request, made available to the parties for inspection and review.

Role of the Decision Makers

The function of the Decision Makers is to preside over the Live Hearing in a fair and equitable manner, without prejudgment of the facts at issue, and free of any bias or conflicts of interest against the Complainant or Respondent.

The Decision Makers are charged with evaluating the relevant evidence, hearing and controlling the scope of live witness testimony (including cross-examination), and reaching findings of fact and credibility determinations regarding the evidence and witness testimony. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Based upon their evaluation, the Decision Makers will make conclusions regarding whether the Respondent is responsible for the sex-based harassment or discrimination allegations, whether the conduct violates the University's Code of Conduct, and whether any disciplinary sanctions should be imposed on the Respondent and/or remedial measures should be implemented in favor of the Complainant. Such "Responsibility Determination" shall be issued in writing to the parties simultaneously within seven (7) business days of the Live Hearing and shall explain the procedures and any permissible grounds for either party to appeal the determination as permitted by law. No appeal is available in cases where neither

the Complainant nor the Respondent are students.

Relevancy Standards

Only relevant evidence and testimony may be presented at the Live Hearing. This means that the parties' advisors may only examine/cross-examine witnesses with relevant questions. The Decision Makers have the discretion to exclude irrelevant questions. Such relevancy determinations shall be made by the Decision Makers and explained to the parties and their advisors.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior is considered not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the Live Hearing, the Decision Makers must not rely on any statement of that party or witness in reaching a Responsibility Determination. Further, the Decision Makers cannot draw an inference about the Responsibility Determination based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

Right to Cross-Examination

At the Live Hearing, only the parties' advisors may ask the other party and any witnesses questions and follow-up questions. Such cross-examination must never be conducted by a party personally.

Cross-examination must be conducted directly, orally, and in real time. The scope of cross-examination is limited to relevant questions regarding the allegations. However, the advisor may ask questions bearing upon the witness's credibility.

RESPONSIBILITY DETERMINATION

As part of its Responsibility Determination, the Decision Makers must decide whether the University should impose any disciplinary sanctions on the Respondent, and whether any remedies designed to restore or preserve equal access to the University's education Programs or Activities should be provided to the Complainant.

The available remedies include those which are addressed in the Supportive Measures section of this Policy. The Title IX Coordinator and Student Support Coordinator are responsible for the effective implementation of any remedies deemed necessary by the Decision Makers.

Below is a list of potential sanctions that may be imposed against student and employee

Respondents.

Student Sanctions

The following are the types of 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 University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of University policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University 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, no-contact orders, and/or other measures deemed appropriate.
- **Restrictions:** Actions taken that restrict the Respondent in some way to ensure the safety and security of the campus and its members and may restrict the interaction between the Respondent and the Complainant.
- **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 the University. At the discretion of the Title IX Coordinator, this sanction may be noted as a Disciplinary Suspension on the student's official transcript.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma:** The University may withhold a student's diploma 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.
- **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including University registration), for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Faculty or Staff Sanctions

Sanctions for a faculty member or staff member who has engaged in unlawful sexual, sex-based and gender-based harassment, sex discrimination and/or retaliation include, but are not limited to:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Sanctions imposed as the result of the Responsibility Determination are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances pending the outcome of an 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.

APPEALS

Notice of Appeal

The Respondent or Complainant may submit a “Notice of Appeal” of the Responsibility Determination rendered by the Decision Makers, or from the University’s dismissal of a Complaint or any allegations therein, within three (3) business days of such determinations. Appeals are not available in cases where neither the Complainant nor the Respondent are students. The Notice of Appeal shall be submitted to the Title IX Coordinator, who will thereafter notify the parties in writing that the appeal has been filed and that the appeal procedures described below have commenced.

If the Notice of Appeal is not timely filed or is not based on the grounds listed below, the Responsibility Determination shall stand and be considered final.

Grounds for Appeal

An appeal may only be taken based upon the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., material deviation from established procedures, the decision was based upon irrelevant evidence, the decision was not supported by a preponderance of the evidence, etc.);
- New evidence that was not reasonably available at the time the Responsibility Determination or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigators, and/or Decision Makers had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

Written Appeal Submissions

As noted, upon its receipt of the Notice of Appeal, the Title IX Coordinator will notify the parties in writing that the appeal has been filed and that the appeal procedures have commenced and will be overseen by the Appeals Panel described below. The notification shall set forth a timeframe by which the parties have to submit written statements in support of, or challenging, the outcome of the determination(s) reached, as well as responding statements to the other party's submission and/or bases to counter-appeal.

Review by Appeals Panel

The Appeals Panel will comprise of three (3) trained individuals, all of whom were not involved or participants in the underlying proceedings. The Appeals Panel shall be comprised of individuals who are specifically trained on the definition of sex discrimination and sex-based harassment, the scope of the University's Programs or Activities, the evidentiary standards applicable at the Live Hearing and relevant to the Responsibility Determination, and the need to preside over the appeal without prejudgment of the facts, conflicts of interest, or bias.

Appeals are not intended to be full re-hearings (de novo review) of the allegations. Rather, the Appeals Panel will consider only the parties' written submissions, the record of the Investigation and Live Hearing, the Responsibility Determination or dismissal, and pertinent documentation regarding the grounds for appeal.

The standard of review of the appeal may vary based upon the grounds for the appeal. However, on most questions the Decision Makers' determination will be entitled to deference. An appeal is not an opportunity for the Appeals Panel to substitute its judgment for that of the original Decision Makers merely because they disagree with its finding and/or sanctions.

The Appeals Panel may take the following actions after considering an appeal:

- Remand the matter to the original Decision Makers to be reheard in whole or part. At the discretion of the Appeals Panel, different Decision Makers may be designated;
- Affirm the original decision and/or sanctions;
- Reverse the original decision and/or sanctions;
- Affirm or reverse the original decision in part and/or alter the sanctions which could increase or decrease the severity of the sanction(s).

Determination on Appeal

The Appeals Panel will undertake a reasonably prompt review of all appeals and issue a written decision describing the result of the appeal and the rationale for the result within seven (7) business days of the date of the last submission to the Appeals Panel. The written decision will be provided simultaneously to both parties.

Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand.

In rare cases where a procedural or substantive error cannot be cured, the Appeals Panel may recommend a new investigation and/or Grievance Process, including new Decision Makers. The results of a new Responsibility Determination can be appealed, once, on any of the three applicable grounds for appeals.

In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to his/her prior status, recognizing that some opportunities lost may be irreparable in the short term.

IV. MISCELLANEOUS

Recordkeeping

Consistent with Title IX regulations, the University will maintain for a period of seven (7) years all records of:

- Whether any actions, including any Supportive Measures, were taken in response to a report or formal complaint of sex discrimination or sex-based harassment, including the basis for those actions and proof that the actions were implemented;
- Each investigation including any Responsibility Determination, Live Hearing records or transcripts, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, Investigators, Decision Makers, and other persons who facilitate the Grievance Process, Appeals, or the informal resolution process.

External Reporting

In addition to utilizing the internal procedures set forth in this Policy, any student or employee who believes that they have been the subject of unlawful sex-based harassment, discrimination and/or retaliation may file a complaint through the University's anonymous hotline number at 800-401-8004 (English speaking) or 800-216-1288 (Spanish speaking); website: www.lighthouse-services.com/CentenaryUniversity; email: reports@lighthouse-services.com or fax: 215-689-3885.

In addition, the individual may formally file a complaint directly with the United States Department of Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: 800-421-3481

Fax: 202-453-6012

TDD#: 877-521-2172 Email: OCR@ed.gov Website: <http://www.ed.gov/ocr>

or

State of New Jersey Division of Civil Rights

Central Regional Office

140 East Front Street

6th Floor

Trenton, NJ 08625

609-292-4605

TTY: 609-292-1785

Time Frames

Any time limits set forth in these procedures may be extended by the Title IX Coordinator, Decision Makers or Appeals Panel for good cause shown. For purposes of this Policy, "good cause" includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities; and any other facts or circumstances rendering the time limits set forth in the Policy unreasonable or impracticable. The Complainant and Respondent will be given reasonable notice of any such extensions of the time limits set forth in the Policy.

Changes to this Policy

The University reserves the right to revise, modify, amend or terminate any part or all of these procedures at any time at the University's sole discretion without prior notice, and to comply with any amendment to the law.