



Anti-Harassment and Non-Discrimination (Title IX) Policy

(addressing allegations of discrimination and harassment including, among others, sexual assault, domestic and dating violence and stalking)

2024 – 2025

Effective August 1, 2024

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1. Notice of Non-Discrimination

As a community of educators and learners, Rider University is committed to fostering an environment dedicated to learning and mutual respect as reflected in the University’s mission, Statement of Community Values and Anti-Harassment and Non-Discrimination Policy. All students, faculty, administrators and staff at the University have the right to expect an environment that allows them to enjoy the full benefits of their work or learning experience. The University, therefore, does not condone violations of its Anti-Harassment and Non-Discrimination Policy (the “Policy”) and treats all allegations about violations seriously. As outlined in the Policy, the University prohibits all forms of discrimination and harassment, including sexual discrimination, sexual harassment, sexual assault, dating violence, domestic violence and stalking in compliance with Title IX and other state and federal law. Rider University is also an Equal Opportunity and Affirmative Action employer.

Rider University does not discriminate against any student or applicant for admission or any employee or applicant for employment on the basis of the following actual or perceived protected characteristics: race, creed, color, religion, physical or mental disability gender, sex, age, pregnancy or related conditions, marital or familial status, family responsibilities, sexual orientation, gender identity, gender expression, national origin, citizenship status, ethnicity, residence, veteran or military status, domestic violence victim status or status as a member of any other protected class under federal or state law.

Rider University’s Anti-Harassment and Non-Discrimination Policy may be found in its entirety here or via the website at <https://www.rider.edu/about/consumer-information/handbooks-policies/ahnd>. Violations may be reported to the Title IX Coordinator, who is responsible for the Policy’s implementation, via the information below, contacting the Department of Public Safety, or by utilizing the University’s Report and Support webpage at <https://www.rider.edu/about/consumer-information/report-and-support>.

Debbie Stasolla

Title IX Coordinator

Vice President for Strategic Initiatives and Planning and Secretary to the Board

President’s Office, Moore Library (ground floor), Room 101

609-896-5228

dstasolla@rider.edu; titleix@rider.edu

2. Policy Statement, Scope Jurisdiction and Revision

Policy Statement

Rider University prohibits all forms of discrimination, harassment and retaliation. This includes sex and gender-based discrimination and harassment including sexual assault, dating violence, domestic violence and stalking. The Policy covers discrimination, harassment, retaliation and other prohibited conduct in both employment and access to educational opportunities on the basis of protected characteristics and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed on accordance with the Policy. Any member of the Rider University community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, residential and/or social access, benefits, and/or opportunities of any member of the Rider University community, including students, employees and third parties (guests, visitors, volunteers and contractors), on the basis of that person's actual or perceived protected characteristic(s) is in violation of the Policy. See Section 1: Notice of Non-Discrimination for the full list of protected characteristics.

Rider University will promptly and effectively address any such discrimination, harassment and retaliation of which it has Knowledge/Notice according to the Policy.

Jurisdiction

The Policy applies to harassment, discrimination and retaliation that occurs on University premises, at University sponsored activities, and off-campus conduct that adversely affects the University community or the pursuit of its objectives, including, but not limited to, any off-campus conduct that constitutes a violation of any law or municipal ordinance or any off-campus conduct that poses a threat to the health, safety or welfare of any members of the University community or any residents of neighboring communities. The Policy applies to all students and student organizations, employees, and to third-parties, including guests, visitors, volunteers and contractors, on University premises or at University sponsored activities. The Policy also applies to those attempting to participate in Rider's programs or activities including education and employment.

Each student shall be responsible for his or her conduct from the time of acceptance for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Policy shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Title IX Coordinator (or designee) shall decide whether the Policy shall be applied to conduct off campus, on a case by case basis, in his or her sole discretion on behalf of the University.

For disciplinary action to be issued under the Policy, the Respondent must be a University student or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator (or designee) will offer to assist the Complainant in identifying appropriate institutional and local resources and support options, and will implement appropriate Supportive Measures and/or remedial actions. The Title IX

Coordinator (or designee) can also assist in contacting local law enforcement if the individual would like to file a police report about criminal conduct.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator (or designee) can assist the Complainant in contacting the appropriate individual at that institution as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator (or designee) may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program or other environment external to the University where the policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator (or designee) if brought to their attention.

When a party is participating in a dual enrollment/early college or similar program, the University will coordinate with the party's home institution to determine jurisdiction and coordinate providing Supportive Measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

Scope

The Policy applies to all faculty, employees, students and other individuals participating in or attempting to participate in the University's program or activities, including education and employment.

The Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Prior versions may be found on Rider's website.

Policy Revisions

The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in any way that impacts this document, this document will be construed to comply with the most recent government laws, regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

3. Title IX and Equal Opportunity Team

Rider University's Title IX and Equal Opportunity team is led by the Title IX Coordinator and consists of the following individuals who collectively are responsible for providing comprehensive non-discrimination education and training; coordinating Rider's timely, thorough and fair response, investigation, and resolution of all alleged prohibited conduct under the Policy; and monitoring the effectiveness of the Policy and related procedures to ensure an education and employment environment free from discrimination, harassment and retaliation. In addition to the individuals listed below, the Title IX and Equal Opportunity Team consists of trained Investigators, Decision-makers and Appeal Decision-makers.

The individuals listed below are members of the Team. Deputy Title IX Coordinators may serve as the Title IX Coordinator's designee where indicated throughout the Policy.

Debbie Stasolla

Title IX Coordinator

Vice President for Strategic Initiatives and Planning and Secretary to the Board
President's Office, Moore Library (ground floor), Room 101
609-896-5228

dstasolla@rider.edu; titleix@rider.edu

Ryan McKinney

Director of Title IX and Equal Opportunity Compliance and **Deputy Title IX Coordinator**

Moore Library (ground floor), Room 110
609-895-5698

rmckinney@rider.edu; titleix@rider.edu

Christine Mehlhorn

Dean of Students and **Deputy Title IX Coordinator**

BLC Student Affairs Suite, Room 110
609-896-5101

cmehlhorn@rider.edu

Robert Stoto

Vice President for Human Resources and Affirmative Action Officer and

Deputy Title IX Coordinator

Moore Library (ground floor), Room 108
609-895-5683

rstoto@rider.edu

Keith Kemo

Assistant Dean of Students and Director of Community Standards

BLC Student Affairs Suite, Room 109
609-896-5000 ext. 7312

kkemo@rider.edu

Karin Torchia
Senior Associate Athletic Director for External Operations and Development/Senior Women's
Athletic Administrator
Alumni Gym
609-896-5249
ktorchia@rider.edu

Michael Krassan
Contracts Administrator
Moore Library (ground floor), Room 107
609-896-5063
mkrassan@rider.edu

Ensuring Impartiality

Any individual materially involved in the administration of the Policy may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s) and Appeal Decision-maker(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another member of the Title IX Team will be assigned and the impact of the bias or conflict, if any, will be remedied. If potential conflict of interest or bias exists with the Title IX Coordinator, the Vice President for Legal Affairs and General Counsel should be contacted (see below).

Reports of Misconduct or Discrimination by the Title IX and Equal Opportunity Team

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Vice President for Legal Affairs and General Counsel, Mark Solomon, at msolomon@rider.edu. Reports of misconduct or discrimination committed by any other member of the Title IX and Equal Opportunity Team should be reported to the Title IX Coordinator, Debbie Stasolla, at dstasolla@rider.edu.

Inquiries may be made externally to:

Office for Civil Rights
US Department of Education
400 Maryland Avenue SW
Washington, DC 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
<http://www.ed.gov/ocr>

Office of the Attorney General
Division on Civil Rights
Central Regional Office
140 East Front Street: 6th Floor
PO Box 090
Trenton, NJ 08625
609-292-4605
Fax: 609-984-3812

Employees who wish to file a complaint may also contact the [Equal Employment Opportunity Commission](#) (EEOC).

4. Policy Definitions

Advisor: Any person chosen by a Party or appointed by the University who may accompany the Party to all meetings related to the Resolution Process and advise the Party on that process. See Section 15: Advisors for more information.

Appeal Decision-maker: The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s) accordingly. See Section 23: Appeal of the Determination.

Complainant: A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation or other prohibited conduct under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment or other prohibited conduct under the Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination, harassment, retaliation or other prohibited conduct.

Complaint: A verbal or written request to the University that can objectively be understood as a request for the University to initiate the Resolution Process.

Confidential Employee: An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. See Section 11: Reporting Policy Violations for more information.

Decision-maker: The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether the Policy has been violated and, in most instances, assigns sanctions.

Education Program or Activity: Locations, events, or circumstances where the University exercises substantial control over the context in which the discrimination, harassment, retaliation and/or other prohibited conduct occurs and also includes any building owned or controlled by a student organization that the University officially recognizes.

Final Determination: A conclusion by the preponderance of the evidence standard that the alleged conduct did or did not violate the Policy.

Investigator: The person(s) authorized by the University to gather facts about an alleged violation of the Policy, assess relevance, synthesize the evidence, and compile this information into an Investigation Report.

Knowledge: When the University receives Notice of conduct that reasonably may constitute harassment, discrimination, retaliation or other prohibited conduct in its education program or activity.

Mandated Reporter: A University employee who is obligated by the Policy to share Knowledge, Notice, and/or reports of discrimination, harassment, retaliation and/or other prohibited conduct under the Policy with the Title IX Coordinator (or designee). See Section 11: Reporting Policy Violations for more information.

Notice: When an employee, student, or third party informs the Title IX Coordinator (or designee) of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.

Parties: The Complainant(s) and Respondent(s) collectively.

Policy: Rider University’s Anti-Harassment and Non-Discrimination Policy.

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

Protected Characteristic: Any characteristic for which a person is afforded protection against discrimination and harassment by law or University policy. See Section 1: Notice of Non-Discrimination.

Relevant Evidence: Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation or other prohibited conduct occurred, or in determining the credibility of the Parties or witnesses.

Remedies: Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the University’s education program and activity.

Resolution Process: The investigation and resolution of allegations of prohibited conduct under the Policy, including a supportive/remedial response and/or Informal Resolution or Formal Resolution.

Respondent: A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, retaliation or other prohibited conduct for engaging in a protected activity under the Policy.

Sanction: The consequence imposed by Rider University on a Respondent who is found to be responsible for a violation of the Policy. See Section 28: Sanctions for more information.

Sex: Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Supportive Measures: Non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Coordinator (or designee) to be appropriate and reasonably available. See Section 14: Supportive Measures for more information.

5. Prohibited Conduct / Policy Violations

Rider University's Anti-Harassment and Non-Discrimination Policy addresses the following prohibited conduct.

The Policy is not meant to inhibit or prohibit educational content or discussions inside or outside the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a policy violation although Supportive Measures may be offered to those impacted.

Violation of any other University conduct policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits or opportunities.

Rider University reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment or that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under the Policy but may be addressed through the Student Code of Social Conduct or employee handbook, respectful conversation, remedial actions, education, and/or other Informal Resolution mechanisms.

Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy such as for disability, religion or creed.

Discrimination can take two primary forms:

1. Disparate Treatment Discrimination

Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a University program or activity.

2. Disparate Impact Discrimination

Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a University program or activity.

Discriminatory Harassment

Discriminatory harassment is defined as

- Unwelcome conduct on the basis of actual or perceived protected characteristic(s) that
- Based on the totality of the circumstances,
- Is subjectively and objectively offensive, and
- Is so severe or pervasive,
- That it limits or denies a person's ability to participate in or benefit from a University education program or activity.

Sex-based Harassment (Applicable under Title IX, Title VII and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination that means sexual harassment and other harassment on the basis of sex (conduct that is sexual in nature or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity), including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity; sexual assault, dating violence, domestic violence and stalking.

The following constitute sex-based harassment:

- 1. Quid Pro Quo:** An employee agent or other person authorized by the University to provide an aid, benefit or service under the University's education program or activity, explicitly or implicitly conditioning the provision of such aid, benefit or service on a person's participation in unwelcome sexual conduct.

2. Hostile environment harassment:

- Unwelcome sex-based conduct that
- Based on the totality of the circumstances,
- Is subjectively and objectively offensive, and
- Is so severe or pervasive
- That it limits or denies a person’s ability to participate in or benefit from the University’s education program or activity.

3. Specific (sex-based) offenses

- **Sexual Assault/Offenses:** This includes the following Clery-reportable/defined sex offenses/violations:
 - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/ her temporary or permanent mental incapacity.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged 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, and (iii) the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of New Jersey, or by any other person against an adult or youth alleged victim who is protected from that person’s acts under the domestic or family violence laws of New Jersey.

- **Stalking:** Engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Other Prohibited Conduct

The following offenses also constitute violations of the Policy. For bullying, endangerment and hazing, these offenses can be applied when the conduct is on the basis of protected characteristic(s) but is not a form of sex-based harassment. See Section 1: Notice of Non-Discrimination for a list of protected characteristics.

- **Sexual Exploitation:** An individual taking non-consensual or abusive sexual advantage of another that does not constitute sex-based harassment as defined above for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g. doxing)
- Knowingly making an unwelcome disclosure of or threatening to disclose an individual's sexual orientation, gender identity or gender expression
- 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
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections

- Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
 - Threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person

 - Creating or disseminating synthetic media, including images, videos or audio representations of individuals doing or saying sexually-related things that never happened or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e. deep fakes).
- **Bullying:** Repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally, and that is not speech or conduct that is otherwise protected by the First Amendment.

 - **Endangerment:** Threatening or causing physical harm; extreme verbal, emotional or psychological abuse; or other conduct which threatens or endangers the health or safety of any person or damages their property.

 - **Hazing:** Rider University’s definitions of hazing and aggravated hazing are as follows as described in the Student Code of Social Conduct:
Hazing is: 1. Any action taken, or situation created that negligently, recklessly, intentionally or unintentionally subjects any person to the risk of bodily harm, mental or physical discomfort, harassment, embarrassment, ridicule, emotional or mental brutality or degradation, abuse, torture or interferes with academics or the health and safety of a student, or causing or encouraging any person to commit an act that would be a violation of law or University regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization. 2. Soliciting, encouraging, aiding, assisting or directing another to engage in hazing. 3. Intentionally or knowingly permitting hazing to occur. 4. Having first-hand knowledge that a specific hazing incident has occurred and failing to report said knowledge to University authorities. 5. Observation by a member of a student group or organization of any hazing activity without reporting the incident to University authorities.

Aggravated Hazing is: Hazing that results in serious bodily injury or death to a student and where: 1. The person acts with reckless indifference to the health and safety of the student; or 2. The person

causes, coerces, or forces the consumption of an alcoholic liquid or drug by the student. (Consequences may range from levels 1 to 4) For purposes of this Code the terms “risk” and “brutality” should be read broadly. Risks include potential risks, however slight. Brutality includes any activity with a reasonable likelihood of endangering another person’s mental or physical health or safety. Bodily Injury means: Impairment of physical condition or substantial pain. Serious Bodily Injury means: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- **Unauthorized Disclosure:** Distributing or otherwise publicizing materials created or produced during an Investigation or Resolution Process except as required by law or as expressly permitted by the University OR publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

- **Failure to Comply / Process Interference:**
 - Intentional failure to comply with the reasonable directives of any member of the Title IX and Equal Opportunity Team in the performance of their official duties, including with the terms of a No Contact Order
 - Intentional failure to comply with emergency removal or interim suspension terms
 - Intentional failure to comply with sanctions
 - Intentional failure to adhere to the terms of an Informal Resolution agreement
 - Intentional failure to comply with mandated reporting duties as defined in the Policy
 - Intentional interference with the Resolution Process outlined in the Policy, including but not limited to
 - Destruction of or concealing of evidence
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or Party

- **Retaliation:**
 - Adverse action, including intimidation, threats, coercion, or discrimination, against any person by the University, a student, employee or a person authorized by the University to provide aid, benefit or service under the University’s education program or activity for the purpose of interfering with any right or privilege secured by law or Policy, OR
 - Because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting or participating or refusing to participate in any manner in an Investigation or Resolution

Process under the Policy, including the Informal Resolution process, or in any other appropriate steps taken by the University to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the University to pursue a Policy violation against those who make materially false statements in bad faith in the course of a resolution under the Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith. See Section 11: Reporting Policy Violations for more information regarding false allegations and evidence.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other University conduct policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy or that arise through the course of the investigation for which it makes sense to provide one resolution for all allegations. In such circumstances, the Title IX Coordinator (or designee) may consult with other University officials who typically oversee such conduct (e.g. Human Resources, Community Standards, Academic Affairs) to solicit their input as needed on what charges should be filed but the exercise of collateral charges is within the discretion of the Title IX Coordinator (or designee). All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately.

Online Harassment and Misconduct

The Policy is written and interpreted broadly to include online and cyber manifestations of any of the prohibited conduct outlined above when those behaviors occur in or have an effect on the University's education program and activities or when they involve the use of University networks, technology or equipment. Although the University may not control websites, social media and other venues through which harassing communications are made, when such communications are reported to the University, the University will engage in a variety of means to address and mitigate the effects.

6. Standard of Proof

Rider University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the University will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

7. Gender Identity and Expression

Rider University strives to ensure that all students and employees are safe, included and respected in their education and employment environments regardless of their gender identity or expression.

The University employs a number of interventions to address concerns that are raised related to gender-based harassment or discrimination, including problem-solving, intervention, confrontation, investigation, and Policy enforcement. When conflicts arise between the rights of members of the community, the University will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, the University will offer remedial solutions or enforce its Policies while also respecting the rights of all members of its community.

8. Student Disability-based Complaints

Student complaints related to disability status and/or the provision of accommodations are addressed via Rider’s Academic Disability Policy (https://www.rider.edu/sites/default/files/2021-05/202105_SASS_AcademicDisabilityPolicy.pdf). The Student Accessibility and Support Services Office is responsible for administering this policy and for working with students to document and provide reasonable accommodations as needed. For more information, please see the website at <https://www.rider.edu/academics/academic-support/student-accessibility-support-services> or call 609-895-5492.

Allegations of discrimination on the basis of an actual or perceived disability are resolved via the University’s Anti-Harassment and Non-Discrimination Policy (the Policy).

For information related to disability accommodations in the University’s Resolution Process as per the Policy, see Section 17: Accommodations and Support During the Resolution Process.

9. Retaliation and Counter-Complaints

Retaliation

No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by law or the Policy or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation or Resolution Process under the Policy. Such allegations will be addressed as potential violations of the Policy. See Section 5: Prohibited Conduct/Policy Violations for more information.

Counter-Complaints

Rider University is obligated to ensure that the Policy is not abused for retaliatory purposes. The University permits the filing of counter-complaints that will be assessed by the Title IX Coordinator (or designee) to determine whether the allegations in the counter-complaint are made in good faith.

When counter-complaints are not made in good faith, they will be not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the same procedures outlined in the Policy. At the discretion of the Title IX Coordinator (or designee), investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

10. Consent, Coercion, Force and Incapacitation

Consent, Coercion and Force

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Consent can be given by words or actions provided that those words or actions clearly communicate willingness to engage in the sexual activity.

Consent cannot be obtained through coercion. For purposes of the Policy, coercion is the use of threats (i.e., words or actions) or intimidations (i.e., implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual. Silence or the absence of resistance alone is not consent.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately. Consent must be reestablished before resuming any sexual activity. Consent is automatically withdrawn when one party is no longer capable of consenting.

Consent to one form of sexual activity does not, by itself, constitute consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute consent to sexual activity on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent.

Consent and Incapacitation

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other

drugs may be incapacitated, and therefore unable to consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

11. Reporting Policy Violations

Reports and Complaints

A Report provides notice to the University of an allegation or concern about discrimination, harassment or retaliation and provides an opportunity for the Title IX Coordinator (or designee) to provide information, resources and supportive measures.

A Complaint provides notice to the University that the Complainant would like to initiate a Resolution Process. A complaint may be written or verbal.

A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reporting carries no obligation to initiate a Complaint. In most cases, the University is able to respect a Complainant's request not to initiate a Resolution Process. However, there may be circumstances where the University may need to initiate a Resolution Process. See Section 21: Initiating a Complaint for more information.

If a Complainant does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving notice that allows the University to discuss and/or provide supportive measures in most circumstances.

Reports or Complaints of discrimination, harassment and/or retaliation may be made as follows:

1. File a report or complaint with the Title IX Coordinator or a member of the Title IX and Equal Opportunity Team in person, by mail, by phone, by email or via Rider's Report and Support webpage (<https://www.rider.edu/about/consumer-information/report-and-support>). See Section 3: Title IX and Equal Opportunity Team for contact information for Title IX and Equal Opportunity Team members including the Title IX Coordinator. A report may also be made via the Department of Public Safety at 609-896-5029 or via the Department's Office at West House located at the south entrance to campus.
2. Make an anonymous report via Rider's Report and Support webpage (<https://www.rider.edu/about/consumer-information/report-and-support>). Anonymous reports typically limits the University's ability to investigate, respond, and provide

remedies, depending on what information is shared. It also may not be possible to provide supportive measures to Complainants who are subject of an anonymous report.

Time Limits

There is no time limitation for a Complainant to make a report or initiate a Complaint with the Title IX Coordinator (or designee). If the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond and/or provide remedies may be more limited or impossible.

Acting on complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator (or designee), who may, by way of example only, document allegations for future reference, offer supportive measures and/or remedies and/or engage in informal or formal action as appropriate.

Mandated Reporters

All Rider University employees (faculty, administrators and staff) are considered Mandated Reporters except for the following:

- Contracted food service, custodial, bookstore, SRC fitness center, OIT and printing/copying staff are NOT Rider employees and are therefore NOT considered Mandated Reporters
- Counseling Center and Student Health Center staff (see below for more information)

Student-employees who are employed as Residence Life staff (Community Assistants and Community Directors) are considered Mandated Reporters.

If a Complainant expects formal action in response to their disclosure, reporting to a Mandated Reporter can connect them with the resources to report crimes and/or violations of the Policy. Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters as those details must be shared with the Title IX Coordinator (or designee).

Mandated Reporters are expected to promptly report to the Title IX Coordinator (or designee) all known details of actual or suspected discrimination, harassment, retaliation and/or other prohibited conduct under the Policy. Failure to report actual or suspected harassment, discrimination, and/or retaliation to the Title IX Coordinator (or designee) is a violation of the Policy and employees may be subject to disciplinary action for failure to comply.

Mandated Reporters who themselves are a target of discrimination, harassment, retaliation or other misconduct under the Policy are not required to report their own experience though they are encouraged to do so. Mandated Reporters who themselves are the harasser are obligated to report their own misconduct, and failure to do so is a chargeable offense under the Policy.

In general, information obtained through climate surveys, classroom assignments, human subject research or prevention programs/events does not need to be reported unless the Complainant

clearly indicates they desire a report to be made or they seek a specific response from the University.

Confidential Reporting

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with a Confidential Employee. A Confidential Employee is bestowed by law or professional ethics to maintain confidentiality such as lawyers, medical professionals, mental health counselors and clergy who are in a confidential relationship with the person reporting such that they are within the scope of their licensure, professional ethics or confidential role at the time of receiving notice. These include:

- Rider University Counseling Center staff
- Rider University Student Health Center staff (who are employees of Capital Health)
- Clergy affiliated with the University

Confidential Employees are not required to report actual or suspected discrimination, harassment retaliation or other prohibited conduct in a way that identifies the Parties. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder or individual with a disability, or when required to disclose by law or court order. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or University official unless a Complainant has requested the information be shared. When such individuals are acting outside their scope as Confidential Employees, for example when they are acting as student organization advisors, privilege and confidentiality do not apply and they would in those circumstances be considered Mandated Reporters.

External Resources

In addition, Complainants may speak with individual unaffiliated with the University without concern that the Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

False Allegations and Evidence

Deliberately false and/or malicious accusations under the Policy are a serious offense and will be subject to appropriate disciplinary action under the Policy. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Rider University operates with the presumption that a report is made in good faith until evidence demonstrates otherwise. Additionally, Parties and witnesses who knowingly provide false

evidence, who tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution under the Policy can be subject to discipline under the Policy.

12. Amnesty and the Good Samaritan Policy

Rider University encourages the reporting of misconduct by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs, at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Rider University community that Complainants choose to give Notice of misconduct to Rider University officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

Student Amnesty

To encourage reporting and participation in the process, Rider University offers student parties and witnesses amnesty from minor violations of the Student Code of Social Conduct – such as underage consumption of alcohol or the use of illicit drugs – related to the reported violation of the Policy. Amnesty is offered at the discretion of the Title IX Coordinator (or designee) and does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Good Samaritan Policy

Further, the following Good Samaritan Policy is designed to encourage reporting when students find themselves in positions where medical or other assistance is needed to ensure the proper care of an intoxicated person.

The Good Samaritan Policy is copied here from the Student Code of Social Conduct:

Members of Rider's community have an obligation to contact the Department of Public Safety or a Residence Life staff member when they believe an intoxicated person may be in need of assistance. No intoxicated community member seeking and/or receiving assistance for themselves or others will be subject to sanctions by the University under Rider's Alcohol Policy. Intoxicated individuals seeking and/or receiving assistance will be required to complete educational or counseling initiatives which are intervention and prevention based and will be subject to action under the Student Code of Social Conduct for failure to complete those initiatives. This policy does not preclude other appropriate authorities from taking action for violations which may be associated with the illegal possession or consumption of alcoholic beverages, or the University from taking action for violations associated with vandalism, theft, physical assault, sexual assault or harassment, hazing or other policy violations. Furthermore, community members who demonstrate a consistent and repeated pattern of behavior, after appropriate intervention and education have been provided, will not be considered under this policy. Repeated incidents will require alcohol consultation and may necessitate the imposition of involuntary medical withdrawal from the University.

Employee Amnesty

Rider University may, at its discretion, offer employee Complainants amnesty from policy violations (typically more minor policy violations) related to the incident.

13. Privacy

Privacy

Rider University makes every effort to preserve the Parties' privacy. This means that information related to a Complaint will be shared with a limited number of University employees who 'need to know' in order to assist in providing supportive measures or evaluating, investigation or resolving the Complaint. The circle of employees with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy. The University reserves the right to determine which University officials have a legitimate educational interest in being informed about student-related incidents that fall within the Policy pursuant to the Family Educational Rights and Privacy Act (FERPA).

Rider University may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student before doing so.

The University will not share the identity of any individual who has made a Complaint of harassment, discrimination or retaliation; any individual who has been reported to be the perpetrator of discrimination, harassment or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations, Family Educational Right and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under the Policy.

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from disclosing information obtained by the University through the Resolution Process to the extent that information is the work product of the University (meaning that it has been produced, compiled or written by the University for purposes of its investigation and resolution of a Complaint) without authorization. It is also a violation of the Policy to publicly disclose institutional work product that contains a Party's or witnesses' personally identifiable information without authorization or consent.

14. Supportive Measures

Rider University will offer and implement appropriate and reasonable Supportive Measures to the Parties upon Notice/Knowledge of a Complaint. Supportive Measures are non-disciplinary, non-punitive individualized services, offered at no cost, as appropriate and reasonably available to restore or preserve access to the University's education program or activity. They include measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment and/or retaliation. Supportive Measures

may also be imposed by the Title IX Coordinator (or designee) at their initiative and in their sole discretion.

The Title IX Coordinator (or designee) makes Supportive Measures available to the Parties upon receiving Notice/Knowledge of a Complaint. At the time such measures are offered, if a Complaint has not been filed, the Title IX Coordinator (or designee) will inform the Complainant, in writing, that they may file a Complaint either at that time or in the future. The Title IX Coordinator (or designee) will work with the Parties to ensure that their wishes are considered with respect to any planned and implemented Supportive Measures.

Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Coordinator (or designee), as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair the University's ability to provide them.

The Title IX Coordinator (or designee) will act to ensure as minimal an academic or occupational impact on the Parties as possible and will implement measures in a way that does not unreasonably burden any party.

Supportive Measures may include, but are not limited to, the following:

- Referral to counseling, medical, healthcare or community-based services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Visa and immigration assistance;
- Student financial aid counseling;
- Academic-related accommodations;
- Modification of work or class schedules;
- Assistance with withdrawals or leaves of absence;
- Mutual restrictions on contact between the Parties (*i.e.*, “no contact” orders);
- Altering campus housing assignments;
- Altering work arrangements for employees or student-employees;
- Transportation accommodations;
- Increased security and monitoring of certain areas on campus;
- Providing campus safety escorts;
- Persona Non Grata orders; or
- Any other measures deemed appropriate by the Title IX Coordinator (or designee) to preserve equal access to the University's programs and activities.

A student's or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation. See Section 5: Prohibited Conduct/Policy Violation for more information.

Modifying or Reversing Supportive Measures

The Parties can seek modification or reversal of the University's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. A request to do so should be

made in writing to the Title IX Coordinator (or designee). An impartial employee other than the employee who implemented the Supportive Measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the Supportive Measures if they are inconsistent with the Title IX regulatory definition of Supportive Measures. The University will also provide the Parties with the opportunity to seek additional modification or termination of Supportive Measures applicable to them if circumstances materially change. The University typically renders decisions on Supportive Measures within seven (7) business days of receiving a request and provides a written determination to the impacted Party(ies) and the Title IX Coordinator (or designee).

15. Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Complainant and Respondent each may have an Advisor to accompany them to all meetings, interviews, and hearings within the Resolution Process, including the Initial Evaluation. Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. This means that the Party cannot insist on an Advisor who simply does not have the inclination, time or availability.

The Advisor may be a friend, mentor, family member, attorney or any other individual a party chooses to advise, support and/or consult with them throughout the Resolution Process. They may be from inside or outside the Rider community. Parties may elect to change Advisors during the process and are not obligated to use the same Advisor throughout. Parties are expected to provide timely notice to the Title IX Coordinator (or designee) of the identity of their Advisor and/or if their Advisor changes. When a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated and a release for the new Advisor must be submitted (see further below).

Parties may have more than one Advisor or an Advisor and a support person upon special request to the Title IX Coordinator (or designee). The decision to grant this request is at the sole discretion of the Title IX Coordinator (or designee) and will be granted equitably to all Parties.

The Title IX Coordinator (or designee) will offer to assign a trained Advisor to any party if the party chooses. Advisors appointed by the University cannot be confidential employees (see Section 11: Reporting Policy Violations for more information). The University does not assign attorneys as Advisors. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves. Additionally, the University cannot guarantee equal advisory rights meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Rider University is not obligated to provide an attorney as Advisor.

Although Advisors will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

An Advisor cannot have institutionally conflicting roles such as being an administrator who has an active role in the matter or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

If a party requests that all communication be made through their attorney Advisor instead of to the party, the University will agree to copy both the party and their Advisor on all communications.

Advisor’s Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors can ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence and/or the same written investigation report that accurately summarizes the evidence.

Advisors are expected to maintain the confidentiality of the records the University shared with them. Advisors may not disclose any University work product or evidence the University obtained solely through the Resolution Process for any purpose not explicitly authorized by the University.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The University may decline to share materials with any Advisor who has not executed the NDA. The University may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University’s confidentiality.

Expectations of Advisors

The University generally expects an Advisor to adjust their schedule to allow them to attend meetings, interviews and hearings when planned but the University may change scheduled meetings, interviews and hearings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting, interview or hearing by telephone, video conferencing or other similar technologies.

Advisors are subject to the same University policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the University. Advisors are expected to advise their advisees without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined above, who shares information or evidence in a manner inconsistent with the Policy or who refuses to comply with the University's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview or hearing may be ended or other appropriate measures implemented including that the University requires the party to use a different Advisor or providing a different University-appointed Advisor. Subsequently, the Title IX Coordinator (or designee) will determine how to address the Advisor's non-compliance and future role.

16. Emergency Removal / Interim Measures / Employee Leaves

Students – Emergency Removal

The University may temporarily remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process from its education program activities, partially or entirely, on an emergency basis when an individualized safety and risk assessment has determined that an imminent and serious threat to the health or safety of a Complainant or any students, employees or other persons arising from the allegations of Sex Discrimination or Sex-based Harassment justifies such action. The risk analysis is performed by the Title IX Coordinator (or designee) and may be done in conjunction with other University employees as needed.

While under Emergency Removal, students are not permitted on campus for any reason without the express permission of the Title IX Coordinator (or designee). Students may not participate in any co-curricular activities on or off campus including, but not limited to, performances, rehearsals, practices, competitions, club/organization meetings and on-campus employment. The University may but is not required to provide alternative academic opportunities during an Emergency Removal.

The imposition of an Emergency Removal does not suggest a finding of responsibility for a violation of the Policy.

Students – Interim Measures

Students accused of other forms of discrimination (not sex-based) are subject to Interim Measures which can be imposed for health and/or safety reasons. The analysis is performed by the Title IX Coordinator (or designee) and may be done in consultation with other University employees as needed. The measures may include mandating that the student leave campus immediately. They may also include the issuance of a No Contact order, alteration of residence, temporary removal from residence for a period of time, or restricting access to or use of certain facilities or equipment.

The imposition of an Interim Measure does not suggest a finding of responsibility for a violation of the Policy.

Violation of an Emergency Removal or Interim Measure under the Policy is grounds for discipline under the Policy and may include expulsion or termination.

When an Emergency Removal or Interim Measure is imposed, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the Emergency Removal or Interim Measure within two (2) business days of the notification as per the section that follows.

Challenging an Emergency Removal or Interim Measures

A student has the opportunity to challenge an Emergency Removal or Interim Measure within two (2) business days of the notification by the Title IX Coordinator (or designee). Upon receipt of a challenge, a member of the Title IX and Equal Opportunity team other than the individual who imposed the Emergency Removal or Interim Measure will meet with the student (and their Advisor if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified. The member of the Team hearing the challenge will communicate the final decision in writing, typically within three (3) business days of the review meeting.

When the meeting is not requested within two (2) business days, objections to the Emergency Removal or Interim Measure will be deemed waived.

The meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the Emergency Removal or Interim Measure is appropriate, should be modified, or lifted. The Emergency Removal will remain in place while the challenge is pending. The member of the team hearing the challenge shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to appeal.

A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator (or designee) determines it is equitable for them to do so. The affected student may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator (or designee) for review.

Employee Administrative Leave

The University may place an employee-Respondent on administrative leave, with or without pay, and consistent with the employee-Respondent's rights under Title VII and other applicable employment laws when the employee-Respondent is accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process on an emergency basis when an individualized safety and risk assessment has determined that an imminent and serious threat to the health or safety of a Complainant or any students, employees or other persons arising from the allegations of Sex Discrimination or

Sex-based Harassment justifies such action. The risk analysis is performed by the Title IX Coordinator (or designee) and may be done in conjunction with other University employees as needed.

17. Accommodations and Support During the Resolution Process

Disability Accommodations

Rider University is committed to providing reasonable accommodations and support to qualified students, employees or others with disabilities to ensure equal access to the University's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator (or designee) who will work with Student Accessibility and Support Services (for students) and Human Resources (for employees) as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

The University will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

Resolution Process

18. Introduction

The Resolution Process is the process by which alleged Policy violations by individuals (students or employees) or student-run organizations are addressed. The process considers the Parties' preferences but is ultimately determined at the discretion of the Title IX Coordinator (or designee).

The University may also implement additional long-term remedies or actions with respect to the Parties and/or campus community that are intended to stop the harassment, discrimination, retaliation and/or other prohibited conduct, remedy the effects and prevent reoccurrence. See Section 31: Long-term Remedies/Other Actions for more information.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with the Policy.

19. Timeline

The University will make a good faith effort to complete the Resolution Process within sixty to ninety (60 to 90) business days, including any appeals, which can be extended as necessary for appropriate cause by the Title IX Coordinator (or designee). The Parties will receive regular updates on the progress of the Resolution Process as appropriate as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the University reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The University will promptly resume its Resolution Process as soon as feasible. During such a delay, the University will implement and maintain Supportive Measures for the Parties as deemed appropriate.

The University's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

20. Evaluation

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator (or designee) will conduct an initial evaluation typically within seven (7) business days. The Title IX Coordinator (or designee) will contact the Complainant/source of the Notice or Knowledge to begin the evaluation.

The evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.

If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. See Section 22: Dismissal of a Complaint for further information. It may then be referred to another process, if applicable.

- Determining whether the University has jurisdiction over the reported conduct, as defined in the Policy.

If the conduct is not within the University's jurisdiction under the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. See Section 22: Dismissal of a Complaint for further information. If applicable, the conduct will be referred to the appropriate University office for resolution.

- Offering and coordinating Supportive Measures for the Complainant and Respondent as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, Informal Resolution or Formal Resolution.
- Determining whether the Complainant wishes to initiate a Complaint.
- Notifying the Respondent of the available resolution options, including a supportive and remedial response, Informal Resolution or Formal Resolution, if a Complaint is initiated.

21. Initiating a Complaint

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator (or designee) will help to facilitate the Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- a supportive and remedial response, and/or
- Informal Resolution, or
- Formal Resolution.

If the Complainant elects to pursue an Informal or Formal Resolution, and the Title IX Coordinator (or designee) has determined the Policy applies and that the University has jurisdiction, the Title IX Coordinator (or designee) will initiate the appropriate Resolution Process. The Title IX Coordinator (or designee) will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator (or designee) as discussed below), though the Complainant can elect to initiate one later, if desired.

Rider University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion and/or other shared or similar actions.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator (or designee), who has ultimate discretion as to whether a Complaint is initiated, will offer Supportive Measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator (or designee) will evaluate that request to determine if there is a serious and imminent threat to someone's health or safety or if the University cannot ensure equal access without initiating a Complaint.

The Title IX Coordinator (or designee) will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of discrimination would occur if a Complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The relationship of the Parties, including whether the Respondent is a University employee;

- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
- Whether the University could end the alleged discrimination and prevent its recurrence without initiating its formal resolution process.

If deemed necessary, the Title IX Coordinator (or designee) may consult with appropriate University employees, and/or conduct a risk assessment to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator (or designee) initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of the Policy.

The Title IX Coordinator (or designee) will notify the Complainant when the Title IX Coordinator (or designee) initiates a Complaint.

22. Dismissal of a Complaint

The Title IX Coordinator (or designee) **may** dismiss a Complaint if, at any time during the Investigation or Resolution Process, one or more of the following grounds are met:

- 1) The University is unable to identify the Respondent after taking reasonable steps to do so
- 2) The University no longer enrolls or employs the Respondent
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator (or designee) declines to initiate a Complaint
- 4) The University determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven

In addition to other members of the Title IX and Equal Opportunity Team, a Decision-maker can recommend dismissal to the Title IX Coordinator (or designee) if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the Title IX Coordinator (or designee) will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the Title IX Coordinator (or designee) will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

23. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint in writing. The Respondent may also appeal the dismissal in writing of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Title IX Coordinator (or designee) will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator (or designee) must then provide the Respondent with a Notice of Investigation and Allegations (NOIA) and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the Title IX Coordinator (or designee) will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome;
- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- 3) The Title IX Coordinator (or designee), Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. The appeal will be provided in writing to the other Parties, and the Title IX Coordinator (or designee), who will be invited to respond in writing. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator (or designee) will share the petition with all other Parties and provide three (3) business days for other Parties to respond to the request. At the conclusion of the response period, the Title IX Coordinator (or designee) will forward the appeal, as well as any response provided by the other Parties and Title IX Coordinator (or designee) to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in the Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator (or designee) will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator

(or designee) of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator (or designee), and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator (or designee) and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator (or designee) will maintain documentation of all such consultation.

24. Supportive or Remedial Response

A Supportive or Remedial Response may be offered at any point in the Resolution Process including in conjunction with Informal or Formal Resolution. It includes, but is not limited to, implementation of Supportive Measures to remedy the situation as discussed in Section 14: Supportive Measures.

25. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator (or designee) at any time prior to a final determination, or the Title IX Coordinator (or designee) may offer the option to the Parties, in writing. Upon assessing whether the matter is suitable for Informal Resolution, the Title IX Coordinator (or designee) will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

If an Informal Resolution option is not available or selected, the Title IX Coordinator (or designee) will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Resolution. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume Formal Resolution.

If an investigation is already underway, the Title IX Coordinator (or designee) has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during Informal Resolution.

Informal Resolution may be offered by the Title IX Coordinator (or designee) involving Notice or Complaints that involve a student and employee.

Statements made and evidence shared during Informal Resolution will not be considered in Formal Resolution.

The outcome of Informal Resolution is not appealable and will not constitute a disciplinary outcome to be reported to third parties (e.g., in connection with graduate school applications, transfer documents, reference checks). Additionally, the outcome of Informal Resolution will be taken into consideration in the event of future findings of responsibility for misconduct under the Policy or the Student Code of Social Conduct.

The Title IX Coordinator (or designee) maintains records of any Informal Resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the Informal Resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.).

Notice of Allegations and Informal Resolution

Before initiation of an Informal Resolution process, the Title IX Coordinator (or designee) will provide the Parties with written notice that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the Hearing Process;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the University will maintain, and whether and how it could disclose such information for use in its Resolution Process.

Types of Informal Resolution

Rider University offers four categories of Informal Resolution:

- 1) **Supportive Resolution.** When the Title IX Coordinator (or designee) can resolve the matter informally by providing Supportive Measures (only) designed to remedy the situation.

The Title IX Coordinator (or designee) will meet with the Complainant to determine reasonable Supportive Measures that are designed to restore or preserve the Complainant's

access to the University’s education program and activity. Such measures can be modified as the Complainant’s needs evolve over time or circumstances change. If the Respondent has received written notice or NOIA, the Title IX Coordinator (or designee) may also provide reasonable Supportive Measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator (or designee) does not initiate a Complaint.

- 2) **Educational Conversation.** When the Title IX Coordinator (or designee) can resolve the matter informally by having a conversation with the Respondent, with or without the Complainant present at the Complainant’s discretion, to discuss the Complainant’s concerns and institutional expectations. Such a conversation is non-disciplinary and non-punitive. The meeting/conversation will be documented as the Informal Resolution for the matter.
- 3) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating the Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and University are agreeable to the resolution terms.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator (or designee) will determine whether Informal Resolution is an option. If Informal Resolution is available, the Title IX Coordinator (or designee) will determine whether all Parties and the University are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator (or designee) implements the accepted finding that the Respondent is in violation of the Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Resolution will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.).

The University offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator (or designee) or other appropriate University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome,

while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator (or designee) may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff, etc.)

The Title IX Coordinator (or designee) has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator (or designee) will determine whether additional individual or community remedies are necessary to meet the University's compliance obligations in addition to the alternative resolution.

26. Formal Resolution

Formal Resolution involves an Investigation and Decision-making process through which an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

Rider University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence standard. It is also presumed that a report is made in good faith until evidence demonstrates otherwise.

At the discretion of the Title IX Coordinator (or designee), violation of the Student Code of Social Conduct or other policies that occurred directly in connection with the alleged violation of Policy may, but are not required to, be addressed under Formal Resolution in lieu of engaging in a separate decision-making process for those potential violations.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to all the charged violations and waive further process, the Decision-maker(s) is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent's right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator (or designee) will provide the Parties with a detailed written NOIA. The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator (or designee), of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement that the Respondent is presumed not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share the University's work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process

- A statement informing the Parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations or other support during the Resolution Process
- A link to the University’s VAWA(Violence Against Women Act) brochure
- An instruction to preserve any evidence that is directly related to the allegations
- A statement that Parties who are members of a union are entitled to union representation throughout the process.

The NOIA 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(es) of the Parties as indicated in official University records, or emailed to the Parties’ Rider-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

Appointment of Investigator(s)

The Notice of Investigation and Allegation (NOIA) identifies the Investigator(s) appointed by the Title IX Coordinator (or designee).

The Title IX Coordinator (or designee) will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator (or designee) will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

Investigation

Investigations involve interviews with all relevant Parties and witnesses, obtaining relevant evidence and identifying sources of expert information as necessary. The Investigator(s) will interview the Complainant, Respondent and all available and relevant witnesses and conduct follow-up interviews as necessary.

The Investigator(s) may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator(s) obtains the Complainant’s or Respondent’s, as appropriate, voluntary, written consent to do so.

Each Party is afforded the opportunity to suggest witnesses, provide evidence, and offer questions they wish the Investigator(s) to ask of another Party and/or witnesses. The Parties will

provide a list of questions they would like asked of the other Party or any witnesses. The Investigator(s) will ask those questions deemed relevant, and document in the Investigation Report which questions were asked, with a rationale for any changes or omissions.

Parties and witnesses will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview, as described in Section 15: Advisors.

Investigative interviews will be held in-person or via Zoom or other electronic means at the discretion of the Investigator(s). The University will take appropriate steps to ensure the security/privacy of remote interviews. Parties and witnesses will be made aware by the Investigator(s) of audio and/or video recording of interviews. No unauthorized audio or video recording of any kinds is permitted during interviews.

Following completion of an interview, Parties and witnesses will be asked by the Investigator(s) to verify the accuracy of the recording, transcript or summary of their respective interview. The Parties and witnesses may submit changes, edits or clarifications. If the Parties or witnesses do not respond within the time period designated by the Investigator(s) for verification, objections to the accuracy of the recording, transcript or summary will be deemed to have been waived and no changes will be permitted.

Prior to the conclusion of the investigation, the Investigator(s) will provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.

Parties and witnesses may provide written statements in lieu of interviews or choose to respond to written questions if deemed appropriate by the Investigator(s), though this is not preferred. If a witness submits a written statement but does not intend to be and is not present for questioning at a hearing, their written statement may still be used as evidence.

Witnesses who are Rider University employees are expected to cooperate with and participate in the Investigation and Hearing. Failure of such witnesses to cooperate with and/or participate in the Investigation or Hearing constitutes a violation of the Policy and may warrant discipline. Witnesses from outside the University community cannot be required to participate but are encouraged to cooperating with investigations and to share what they know about a Complaint.

Evidentiary Considerations in the Investigation

Investigator(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

- Relevant evidence is that which may aid in determining whether the allegation occurred or whether the behavior constitutes a violation of the Policy.
- Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the

alleged conduct, or 2) is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not itself demonstrate or imply the Complainant’s consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Investigation Report

The Investigator(s) will prepare a draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews and provides all relevant evidence.

The Investigator(s) will provide the Parties and their respective Advisors an electronic copy of the draft Investigation Report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period. The Investigator(s) may also share the draft Investigation Report with the Title IX Coordinator (or designee) and/or legal counsel for their review and feedback.

The Parties and their Advisors are strictly prohibited from disclosing or disseminating the draft and Final Investigation Reports and evidence to any third parties and from using it for purposes other than carrying out Formal Resolution. These are considered work products of the University. Violations will be considered Unauthorized Disclosures and will be adjudicated under the Policy.

Decision-making Processes Following Completion of the Investigation Report

Non-Sex-based Harassment Complaints Involving Students

The Title IX Coordinator (or designee) will assign a single Decision-maker for allegations of non-sex-based harassment violations that involve either a student Complainant or Respondent. As per Section 5: Prohibited Conduct/Policy Violations, non-sex-based harassment violations are discrimination, discriminatory harassment, and violations listed under Other Prohibited Conduct.

The Title IX Coordinator may serve as Decision-maker in such cases.

The Decision-maker is responsible for completing an objective evaluation of all relevant and not otherwise impermissible evidence, including the Investigation Report. The Decision-maker may question the Parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating the allegations and determining responsibility under the preponderance of the evidence standard.

When there is a finding of responsibility of one or more of the allegations, the Decision-maker may then consider any previously submitted impact and/or mitigation statement(s) from the Parties in determining appropriate sanction(s). See Impact Statements on page 50. The Title IX Coordinator (or designee) will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the finding. They only potentially influence the sanctions. The Decision-maker may also review any pertinent conduct history provided by the Title IX Coordinator (or designee) and will determine appropriate sanction(s) in consultation as needed with other appropriate administrators.

The Decision-maker will complete a Notice of Outcome as described later in the section that follows. The determination of the Decision-maker is subject to appeal as per Section 27: Appeal of the Determination.

Complaints Involving Employees Only

The Title IX Coordinator (or designee) will assign a single Decision-maker for complaints of any violation under the Policy that involve both an employee Complainant and Respondent. The Title IX Coordinator can serve as Decision-maker in such cases.

The Decision-maker reviews the Investigation Report and all relevant evidence. If the Decision-maker deems it necessary to speak with either the Complainant or Respondent regarding the report to ask clarifying questions, they may do so, but then must offer the same opportunity to both parties equally. The Decision-maker may also consult with the Investigator(s) about the content of the report and information collected.

After a review of all necessary information, the Decision-maker will draft a letter regarding whether a violation(s) of the Policy or other relevant policies exists using the preponderance of the evidence standard. The letter will include the rationale for any and all decisions and will be provided to the Title IX Coordinator, Vice President for Human Resources and the appropriate Vice-President/Division Head.

The Vice President for Human Resources and the Vice-President/Division Head will make a determination regarding sanctions, if appropriate. The determination letter, appeal instructions, sanction letter, and the Investigation Report will be provided to both the Complainant and Respondent. The determination of the Decision-maker is subject to appeal as per Section 27: Appeal of the Determination.

The Title IX Coordinator (or designee) will determine whether allegations involving student-employees will follow the student or employee process as outlined above, depending on the context of the alleged misconduct.

Sex-based Harassment Complaints Involving Students

Complaints of sex-based harassment involving either a student Complainant or Respondent are resolved via the Live Hearing procedures outlined in the section that follows. As per Section 5: Prohibited Conduct/Policy Violations, sex-based harassment complaints are quid pro quo, sex-based hostile environment harassment, and the following specific offenses: sexual assault/offenses (rape, fondling, incest, statutory rape), dating violence, domestic violence and stalking.

Live Hearing

Provided that the Complaint is not resolved through Informal Resolution, the Title IX Coordinator (or designee) will refer the matter for a hearing after assigning a Decision-maker. The Decision-maker is either a single individual or a panel of three individuals collectively referred to as Decision-maker.

The Hearing will be scheduled not fewer than seven (7) business days after receipt by the Decision-maker(s), Parties and Advisors of the Final Investigation Report and all relevant but not impermissible evidence. The Title IX Coordinator (or designee) will issue a Notice of Hearing in writing to the Parties and their Advisors (see below).

Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term including during the summer as needed to meet the University's resolution timeline and ensure a prompt resolution.

Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in the Resolution Processes that occur during months between contracts.

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly. That said, the Title IX Coordinator (or designee) may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

Notice of Hearing

The Title IX Coordinator (or designee) will send the Parties and their Advisors a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

The Hearing Notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures and a statement of the potential sanctions/responsive actions that could result
- The date, time and location of the Hearing
- A description of any technology that will be used to facilitate the hearing;
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the Hearing, the identity of the Decision-maker(s), details related to questioning, the role of Advisors, impact/mitigation statements and how to request disability accommodations or other assistance.

Evidence Provided to Decision-maker and Parties

The Decision-maker(s) will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses and Advisors at least seven (7) business days in advance of the Hearing. The Parties and their Advisors will be provided with electronic copies of all the materials provided to the Decision-maker as part of the Hearing Notice unless those materials have already been provided.

Hearing Venue Options and Recordings

The live hearing may occur in person or via video technology. The Decision-maker(s) and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may be made at the discretion of the Title IX Coordinator (or designee).

The Parties may make a request to the Title IX Coordinator (or designee) that the Hearing be held in person or via video technology at least three (3) business days prior to the Hearing. The Title IX Coordinator (or designee) retains discretion to determine how the Hearing will occur.

The University records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recordings of any kind is permitted during the Hearing.

The Decision-maker(s), the Parties, their Advisors, Appeal Decision-makers, and other appropriate University officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator (or designee). No unauthorized disclosure, including sharing, copying or distribution of the recording or transcript, is permitted.

Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with the Policy.

Hearing Participants

Hearing participants include only the following. No other persons (e.g. additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly authorized by the Title IX Coordinator (or designee) with each party being provided the same opportunity.

Advisors: The individuals who provide support and/or advice to a Complainant or Respondent. See Section 15: Advisors for more information.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

Advisors may not speak aloud during the Hearing, including by addressing anyone other than the individual for whom they are an Advisor. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Decision-maker.

An Advisor whose presence is deemed by the Decision-maker to be improperly disruptive or inconsistent with the hearing procedures as outlined in the Policy will be required to leave and may be prohibited from participating in future proceedings. If an Advisor is required to leave a Hearing for failure to adhere to the Hearing Procedures or for any other reason, the Decision-maker shall recess the Hearing until the University appoints an Advisor for purposes of asking questions.

Decision-maker(s): The Title IX Coordinator (or designee) will designate a Decision-maker – either a three-member panel or an individual – to conduct the Hearing. Decision-makers are responsible for reaching a decision on responsibility and assigning sanctions if appropriate. They are qualified and trained individuals who may be Rider University employees or external contractors. Decision-maker(s) receive a copy of the Investigation Report, hear testimony and consider evidence as part of their role. Individuals who served as Investigator(s) for the case at hand may not serve as Decision-makers.

Hearing Chair: In the case of a panel of Decision-maker(s), the Decision-maker appointed by the Title IX Coordinator (or designee) to lead the Hearing.

Hearing Facilitator: The Hearing Facilitator is appointed by the Title IX Coordinator (or designee) to manage the hearing process including recording, logistics, separation of parties, copying of materials, and other administrative elements.

Investigator(s): The individual(s) who conducted the Investigation and wrote the Investigation Report.

Parties: The Complainant and Respondent.

Witnesses: The Decision-maker will work with the Parties to finalize a witness list for the Hearing. The Title IX Coordinator (or designee) will notify all witnesses of their requested participation in the Hearing at least five (5) business days prior to the Hearing. Witnesses will be present for the Hearing only during their testimony.

The Decision-maker, only with the agreement of all Parties, may decide in advance of the Hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the Hearing, and their presence is not essential to assess their credibility.

Any witness scheduled to participate in the Hearing must have been first interviewed by the Investigator(s) unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the Complaint back to the Investigator(s), and
- The Decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the Hearing.
- Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements if such statements are submitted.
- Remand the Complaint back to the Investigator(s) for further investigation or verification.
- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the Hearing absent the new witness's participation.

If any Party or witness does not appear at the scheduled Hearing, the Hearing may be held in their absence. For compelling reasons, the Title IX Coordinator (or designee) may reschedule the Hearing.

Student witnesses are encouraged to participate in, and make themselves reasonably available for, the Hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the Hearing.

Witnesses may participate in-person or via video technology that allows the Decision-maker and the Parties to see and hear the witness while that person is speaking. At the discretion of the Decision-maker, a witness may join by phone if no other reasonable

alternative is available. Witnesses are not permitted to be accompanied by an advisor without express permission of the Title IX Coordinator (or designee).

The Title IX Coordinator (or designee) may be present throughout the Hearing, as may other University representatives at the discretion of the Decision-maker. Those providing authorized accommodations, interpretation and/or assistive services may also be present.

Pre-Hearing Meeting

The Decision-maker will offer to convene a pre-hearing meeting(s) with the Parties and their Advisors (and no other individuals) and invite them to submit the questions or topics they wish to ask or discuss at the Hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the Hearing or to provide recommendations for more appropriate phrasing.

This advance review opportunity does not preclude the Parties from submitting a question at the Hearing for the first time or asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the Hearing. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

Pre-hearing meeting(s) are not recorded. The pre-hearing meeting will typically be conducted as separate meetings with each Party/Advisor and can be conducted remotely or as a written communication exchange. The Decision-maker will work with the Parties to establish the formal and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

Challenging the Appointment of Decision-maker

The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular. The Decision-maker must recuse themselves if such bias or conflict of interest exists. When that is the case, the Decision-maker will consult with the Title IX Coordinator (or designee) regarding possible recusal or removal.

The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest within two (2) business days of receiving the hearing notice. The Title IX Coordinator (or designee) will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perception of bias or conflict are not sufficient to cause removal. If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator (or designee) will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.

Disability Accommodations and Other Assistance

Parties should contact the Title IX Coordinator (or designee) at least three (3) business days prior to the Hearing to arrange any disability accommodations, language assistance and/or interpretation services that may be needed at the Hearing.

Impact Statements

Each party may submit prior to the Hearing a written impact statement to the Title IX Coordinator (or designee) that the Decision-maker will review during any sanction determination. Upon receipt of an impact/mitigation statement, the Title IX Coordinator (or designee) will review the statement to determine whether any immediate needs exist. The Title IX Coordinator (or designee) will only provide the impact statements to the Decision-maker, and subsequently shared with the Parties, if the Decision-maker(s) determines that the Policy has been violated.

Evidentiary Considerations in the Hearing

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant and not permissible, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the Hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the Hearing without remanding the Complaint back to the Investigator(s), and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the Hearing.
- Provide the Parties at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the Investigator(s) for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the Hearing without allowing the new evidence.

Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, retaliation, and other prohibited conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the discrimination, harassment, retaliation, or other prohibited conduct, even though those collateral allegations may not specifically fall with the Policy.

Rules of Decorum

The following rules of decorum apply to all Hearing participants:

- Participants may not act abusively or disrespectfully toward anyone else.
- Participants may not applaud, heckle or display other outbursts.
- Participants may not yell, scream, badger or physically invade another’s personal space.
- Participants should not leave the room or the online Hearing except during breaks. Breaks will be reasonably granted when requested.
- Cell phones are to be turned off during the Hearing unless the Hearing Chair grants permission for their use.
- No party will address the other for any reason unless given permission by the Hearing Chair.

Live Hearing Procedures

The procedures here provide the general framework for any hearing. The Title IX Coordinator (or designee) or Decision-maker may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.

Introductions

The Decision-maker will introduce the participants, explain the hearing procedures and answer any procedural questions prior to and as they arise throughout the Hearing.

Investigator(s) Presentation of the Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator(s) may be questioned first by the Decision-maker and then by the Parties. The Investigator(s) may attend the duration of the Hearing or be excused after their testimony at the Decision-maker’s discretion.

Opening Statements

Each party will have the opportunity to provide relevant information by making a brief opening statement beginning with the Complainant and then the Respondent. The Parties will make any statements themselves, not through their Advisor.

Questioning

The order of questioning is determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through the Decision-maker.

All questions must be directed toward and asked through the Decision-maker and are subject to a relevance determination before they are asked. The Decision-maker will determine the method by which the Parties will submit their questions to the Decision-maker for their review and, if approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party or witnesses.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible

evidence, or are abusive. See subsection entitled Evidentiary Considerations during the Investigation earlier in this Section for information regarding relevance and impermissibility. The Decision-maker has final say on all questions and determinations of relevance and appropriateness. The Decision-maker may consult with legal counsel on any questions of admissibility. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker then poses the questions deemed relevant, not impermissible, and appropriate to the party and/or witness.

The Decision-maker will allow witnesses who have relevant and not impermissible information to appear at a portion of the Hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused. An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

Bias or Conflict of Interest

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the Hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator (or designee), and/or preserve them for appeal. If bias is not an issue at the Hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

Refusal to Submit to Questioning and Inferences

Any party or student witness may choose not to offer evidence and/or answer questions at the Hearing either because they do not attend the Hearing or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the Hearing if they are reasonably available.

The Decision-maker can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference solely from a party's or witness's absence from the Hearing or refusal to answer any or all questions.

Closing Statements

Each party will have the opportunity to make a brief closing statement. The parties will make any statements themselves, not through their Advisor.

Decision-Maker Deliberations and Determination

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not for the policy violation(s) in question based on the preponderance of the evidence standard. If a panel is used, a simple majority vote is required to determine the finding. The Hearing Facilitator may be invited to attend the deliberation by the Decision-maker but is there only to facilitate procedurally, not to address the substance of the allegations. Deliberations are not recorded.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker may then consider any previously submitted impact and/or mitigation statement(s) from the Parties in determining appropriate sanction(s). The Title IX Coordinator (or designee) will

ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the finding. They only potentially influence the sanctions. The Decision-maker may also review any pertinent conduct history provided by the Title IX Coordinator (or designee) and will determine appropriate sanction(s) in consultation as needed with other appropriate administrators.

Notice of Outcome

Within ten (10) business days of the conclusion of the Hearing or Decision-maker's determination, the Title IX Coordinator (or designee) will provide the Parties with a written Notice of Outcome that specifies the finding for each alleged Policy violation, any applicable sanctions that the University is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent the University is permitted to share under federal or state law. The Notice of Outcome will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal and when the determination is considered final if neither party appeals.

The Title IX Coordinator (or designee) will provide the Parties and their Advisors with the Notice of Outcome simultaneously or without significant time delay between notifications. The Notice of Outcome 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 or designated email account. Once mailed, emailed, and/or received in person, the Notice of Outcome is presumptively delivered.

27. Appeal of the Determination

Either party may appeal a determination of responsibility (or non-responsibility) as set forth in the written Notice of Outcome by submitting a written appeal to the Title IX Coordinator (or designee) within five (5) business days of the delivery of the Notice of Outcome.

Appeal Grounds

Appeals are limited to the following grounds:

- A procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made. A summary of the new evidence and its potential impact must be included in the written appeal.
- The Title IX Coordinator, Investigator(s) or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome.
- The final determination by the Decision-maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion or termination only).
- The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion or termination only).

Appeal Decision-maker(s)

The Title IX Coordinator (or designee) will designate an Appeal Decision-maker – either a three-member panel or an individual – to consider the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator (or designee).

Review of Appeal for Standing

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If any of the information in the Request for Appeal meets the grounds in the Policy, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator (or designee), and, when appropriate, the Investigator(s) and/or the original Decision-maker.

Response to the Appeal

All other Parties and their Advisors, the Title IX Coordinator (or designee) and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in the Policy and will either be approved or denied. If approved, it will be forwarded to the Party who initially requested an appeal, the Title IX Coordinator (or designee), and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeals Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a

compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator (or designee) and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator (or designee) will maintain documentation of all such consultation.

Notice of Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (or designee) (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new trained individuals serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the University is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official institutional records, or emailed to the Parties' university-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and Supportive Measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures for a "show cause" meeting on the justification for doing

so must be permitted within two (2) business days of implementation. See Section 16: Emergency Removal/Interim Measures/Leaves for more information.

28. Sanctions

Rider University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under the Policy. When applying sanctions, the imposition of a higher-level sanction does not preclude sanctions for any lower level violation.

If the Respondent is found responsible for a violation of the Policy, the Title IX Coordinator (or designee) will provide the Decision-maker with the Respondent's prior conduct record for consideration in the Decision-maker's assignment of a sanction or sanctions. The Title IX Coordinator (or designee) is responsible for the implementation of remedies designed to restore or preserve equal access to the University's education program or activity. While remedies might constitute Supportive Measures, they may also be in the form of Sanctions.

Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. Sanctions described in the Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Factors the Decision-maker may consider when determining a sanction/responsive action include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker

Similar to Rider's Student Code of Social Conduct, sanction levels dictate consequences that may be imposed if a student is found responsible for a Policy violation. The Decision-maker ultimately determines the sanction level and consequences within the parameters indicated below. Mitigating factors shall be taken into account by the Decision-maker, along with all relevant circumstances, in determining the appropriate consequence(s) to be assigned at that level.

Student Sanctions

Violation Levels

- a. Discrimination (Level 1 to 4)
- b. Discriminatory Harassment (Level 1 to 3)
- c. Quid Pro Quo and Sex-based Hostile Environment Harassment (Level 1 to Level 3)
- d. Rape (Level 1 to Level 2)
- e. Fondling (Level 1 to Level 2)
- f. Incest (Level 1 to Level 2)
- g. Statutory Rape (Level 1 to Level 2)
- h. Dating Violence (Level 1 to Level 2)
- i. Domestic Violence (Level 1 to Level 2)
- j. Stalking (Level 1 to Level 2)
- k. Sexual Exploitation (Level 1 to 3)
- l. Bullying (Level 1 to 4)
- m. Endangerment (Level 1 to 3)
- n. Hazing (Level 1 to 3)
- o. Retaliation (Level 1 to 5)
- p. Unauthorized Disclosure (Level 1 to 5)
- q. Failure to Comply / Process Interference (Level 1 to 5)

Level 1

- a. The student may be expelled from the University indefinitely and possibly permanently. Expulsion may be immediate if warranted.
- b. Or, the student must be dismissed for a minimum of one year. Dismissal may be immediate if warranted.
- c. As with any other separation from the University, students wishing to return to Rider must re-apply for admission through the University Registrar if the length of separation is less than 2 years or through the Office of Admissions if the length of separation is longer than 2 years. Students found responsible at this level are not entitled to a refund of tuition or housing costs.

Level 2

- a. The student may be dismissed from the University for a period not to exceed one year.
- b. If the option in “a” above is not warranted, then the hearing authority must remove the student from residency on campus and impose restrictions on that student’s access to campus areas. In the case of a commuter, the student shall be restricted from entry into non-academic buildings.
- c. As with any other separation from the University, students wishing to return to Rider must re-apply for admission through the University Registrar if the length of separation is less than 2 years or through the Office of Admissions if the length of separation is longer than 2 years. In the case of removal from residency, the student(s) must apply for housing to the director of residence life. Students found responsible at this level are not entitled to a refund of tuition or housing costs.
- d. The student may be put on disciplinary probation for a specific time period. The hearing authority may impose any other consequence(s), other than dismissal, which

it considers applicable including but not limited to, delay of diploma, non-attendance at commencement ceremonies, disallowance from entry to campus buildings or areas, loss of group recognition, recommended loss of Greek charter, personal counseling, community restitution, financial restitution, assigned tasks, etc.

- e. In every case at this level, except when dismissal is mandated, a fine of not less than \$75 but not greater than \$200 must be imposed. The fine may be per person when appropriate.

Level 3

- a. The student's residency status may be terminated or altered, and they may be restricted from areas on campus. A commuter student may be restricted from some campus buildings or areas. In the case of removal from residency, the student(s) must apply for housing to the director of residence life. In the case of a commuter student, they shall be restricted from non-academic areas and unable to attend campus-wide events.
- b. Students found responsible at this level are not entitled to a refund of housing costs.
- c. In addition to option "a," a student may be put on disciplinary probation for a period of time.
- d. If the options in "a" and "b" above are not warranted, then the hearing authority shall impose a consequence of community restitution hours, or social restrictions for a specified time, during which certain privileges may be revoked including, but not limited to, ability to participate in extracurricular activities, ability to attend or sponsor events such as intramurals or Greek Week, ability to use campus facilities, etc. It may also impose any other consequence(s) which it considers applicable including, but not limited to, non-attendance at commencement ceremonies, assigned tasks, participation in counseling, etc.
- e. In every case, at this level a fine of not less than \$35 but not greater than \$100 must be imposed. The fine may be per person when appropriate.

Level 4

- a. The student may have social restrictions imposed for a specified period during which certain privileges may be revoked which include, but are not limited to, participation in intramurals, Greek Week, or other social events, ability to visit other buildings or use certain facilities, etc.
- b. If the options in "a" above are not warranted, then the hearing authority must include a warning to the student regarding future violations. It may also impose any other consequence(s), excluding those in "a" above, which it considers applicable, including, but not limited to, restitution, assigned tasks, community restitution hours, participation in counseling.
- c. In every case at this level, a fine of not less than \$20 but not greater than \$50 must be imposed. The fine may be per person when appropriate. At the sole discretion of the hearing authority, fines at this level may be changed, in lieu of monetary fines, into four (4) appropriately approved donated items to the Rider University Resource Pantry.

Level 5

- a. The hearing authority must impose a consequence of a general warning in the student's file. It may also impose any other consequence(s) which it considers applicable, including but not limited to, community or financial restitution, assigned tasks, etc.
- b. In every case at this level, a fine not greater than \$25 must be imposed. The fine may be per person when appropriate. At the sole discretion of the hearing authority, fines at this level may be changed, in lieu of monetary fines, into three (3) appropriately approved donated items to the Rider University Resource Pantry.

Consequences

- a. Expulsion – Permanent termination of student status.
- b. Suspension – Temporary separation of the student from the University. Such action may be deemed appropriate as a consequence for more serious or repetitious violations of campus regulations. Dismissal shall not be construed as a permanent separation from the community and conditions of readmission (if any are ordered) shall be stated in the hearing authority's decision. Students dismissed for violations of University policy are considered eligible for readmission to the University after one year, and must apply for readmission through the Registrar prior to their anticipated return date.
- c. Removal from Residence – Requirement that the housing contract of the individual with the University be voided and that the individual be removed from the residence halls within five days of the date of the hearing. Note: Removal from residency may occur at the discretion of the director of residence life, consistent with the University Housing agreement, for failure to comply with all applicable rules and regulations of the University exclusive of any community standards process.
- d. Alteration of Residence Status – Requirement that the residence location of the student be changed by the Residence Life Office within five days of the date of the hearing.
- e. Disciplinary Probation – Time period during which any future violations will likely result in either removal from residency or suspension from the University depending on the offense and the student's community standards history.
- f. Social Restrictions – Restrictions from specific privilege(s), extracurricular activities, campus event(s), contact with person or organization, etc.
- g. Campus Restrictions – Restrictions from being present in campus buildings or areas.
- h. Community Restitution – Activities or actions designed to return to the community a portion of the goodwill that was taken away by the commission of the violation. Service to the community should be designed to better the social and/or physical environment of the University and its surrounding community.
- i. Financial Restitution – Reimbursement for damage to or misappropriation of property. Restitution may take the form of appropriate services to compensate for damages.
- j. Fines – Monetary amounts imposed within the limits defined.
- k. Referral to Appropriate Counseling Services.
- l. Administrative Directive – A statement, written, oral, or as part of a University policy, from an administrator of the University to be complied with by student(s). May require refraining from conduct or completing an act.

- m. Warning – Notice to the student, in writing, that continuation or repetition of the conduct found wrongful within a period of time as stated in the warning, may be cause for more severe disciplinary action.
- n. Other consequences as warranted.

Employee Sanctions

Responsive action for an employee who has been found responsible for a violation of the Policy include:

- Warning – verbal or written
- Performance improvement/management process
- Required counseling
- Required training or education
- Probation
- Demotion
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, Rider University may assign any other sanctions as deemed appropriate.

29. Withdrawal or Resignation Before Complaint Resolution

Student Withdrawal or Resignation

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution.

If a Respondent withdraws from the University, the Resolution Process may continue, or the Title IX Coordinator (or designee) may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a Respondent withdraws or leaves while the process is pending, the Respondent may not return to the University in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the Respondent indicates they will not return, the Title IX Coordinator (or designee) has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, the Respondent is not permitted to return to the University unless and until all sanctions, if any, have been satisfied.

Employee Withdrawal or Resignation

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution.

If a Respondent leaves their employment with the University with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator (or designee) may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a Respondent resigns and the Complaint is dismissed, the Respondent may not return to the University in any capacity. Human Resources will be notified, accordingly, and a note will be placed in the Respondent's file that they resigned with allegations pending and are not eligible for admission or rehire with the University. The records retained by the Title IX Coordinator (or designee) will reflect that status.

30. Failure to Comply with Sanctions, Responsive Actions and/or Informal Resolution Terms

Respondents are expected to comply with assigned sanction(s), responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion and/or termination from Rider University and may be noted on a student's official transcript or employee's personnel file.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator (or designee).

31. Long-Term Remedies / Other Actions

Following the conclusion of the Resolution Process and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator (or designee) may implement additional long-term remedies or actions with respect to the Parties and/or campus community that are intended to stop the harassment, discrimination and/or retaliation, remedy the effects and prevent reoccurrence.

These can include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance program
- Education to the individual and/or community
- Permanent alteration of housing assignments (for students) or work arrangements (for employees)
- Provision of campus safety escorts and/or transportation accommodations
- Climate surveys
- Policy modification and/or training
- Implementation of long-term communication and/or contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.
- Course and registration adjustments, such as retroactive withdrawals

At the discretion of the Title IX Coordinator (or designee), certain long-term measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator (or designee) will address any remedies the University owes the Respondent to ensure no effective denial of educational access.

Rider University will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the University's ability to provide these services.

32. Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, Rider University will maintain records of:

- 1) Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the University's education program or activity
- 4) Any appeal and the result therefrom

- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing the University's Resolution Process, or who has the authority to modify or terminate supportive measures. Rider University will make these training materials available for review upon request.
- 7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

Rider University will also maintain any and all records in accordance with state and federal laws.

33. Statement on Consensual Relations Between Faculty and Students, Athletic Staff and Student-Athletes and Employees and Subordinates

Consensual romantic and/or sexual relationships between employees (including faculty and athletic staff) and students with whom they also have an academic, supervisory or evaluative relationship, or between an employee and their subordinate, is fraught with the potential for exploitation and may compromise the University's ability to enforce its policy against sexual harassment. Employees must be mindful that the authority that they exercise in their interactions with students and subordinates may affect the decision of a student or a subordinate to enter into or end a romantic or sexual relationship. Even when both parties initially have consented, the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students, athletic staff members and student athletes or supervisors and subordinates.

In their relationships with students and subordinates, faculty, athletic staff and supervisors are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual or romantic relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student or subordinate.

Please note: Violation of this Statement is a Human Resources matter and will not be addressed under the Policy unless the elements of the definition of harassment are met.

34. Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Rider University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Rider University officials.
- The right to have Rider University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Rider University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Rider University officials of options to notify proper law enforcement authorities, such as the local police, and the option(s) to be assisted by Rider University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of the Policy responded to promptly and with sensitivity by Rider University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

- The right to a Rider University-implemented no-contact order (or Persona Non-Grata order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student’s housing to a different on-campus location
 - Assistance from Rider University staff in completing the relocation
 - Changing an employee’s work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have Rider University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Rider University’s ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Rider University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of a decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by Rider University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Rider University.
- The right to a fundamentally fair resolution as defined in these procedures.

35. New Jersey Campus Sexual Assault Victim’s Bill of Rights

NJSA18A:61E-1 et.seq.

Introduction

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the college community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. Respect for the individual and human dignity is of paramount importance in creating a community free from violence, sexual assault and non-consensual sexual contact.

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to insure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

Bill of Rights

The following rights shall be accorded to victims of sexual assault that occur:

- on the campus of any public or independent institution of higher education in the state of New Jersey, and
- where the victim or alleged perpetrator is a student at that institution, and/or
- when the victim is a student involved in an off-campus assault.

Human Dignity Rights

- to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy
- to have any allegations of sexual assault treated seriously; the right to be treated with dignity
- to be free from any suggestion that victims are responsible for the commission of crimes against them
- to be free from pressure from campus personnel to:
 - report crimes if the victim does not wish to do so
 - report crimes as lesser offenses than the victim perceives the crime to be
 - refrain from reporting crime
 - refrain from reporting crimes to avoid unwanted personal publicity.

Rights to Resources on and off Campus

- to be notified of existing campus and community based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities
- to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling
- to be informed of and assisted in exercising:
 - any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy
 - any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

Campus Judicial Rights

- to be afforded the same access to legal assistance as the accused
- to be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused
- to be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

Legal Rights

- to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- to receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

Campus Intervention Rights

- to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants
- to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

Statutory Mandates

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document
- Nothing in this act or any *Campus Assault Victim's Bill of Rights* developed in accordance with the provisions of this act, shall be construed to preclude or in any way restrict any public or independent institution of higher education in the State from reporting any suspected crime or offense to the appropriate law enforcement authorities.