



Anti-Harassment and
Non-Discrimination Policy
2023 – 2024

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1. Notice of the Title IX Coordinator

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 and treats all allegations about violations seriously. As outlined in the Anti-Harassment and Non-Discrimination Policy, the University prohibits all forms of discrimination and harassment, including sexual harassment, sexual assault, dating violence, domestic violence and stalking in compliance with Title IX and other state and federal law.

Rider University is an Equal Opportunity and Affirmative Action Employer. No one will be denied employment at, admission to, or the opportunity to participate in educational programs and activities at the University on the basis of race, creed, color, religion, physical or mental disability (including perceived disability), gender, sex, age, pregnancy, marital or familial status, sexual orientation, gender identity or 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. The University does not discriminate on the basis of any of the aforementioned protected bases in the recruitment and admission of students; the recruitment and employment of faculty, administrators and staff; and the operation of any of its programs and activities.

Debbie Stasolla

Title IX Coordinator

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2. Policy Statement, Scope and Jurisdiction

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 University’s Anti-Harassment and Non-Discrimination Policy (the “Policy”) governs the treatment of harassment and discrimination cases at Rider University. To the extent this policy conflicts with provisions found in the University’s Student Code of Social Conduct or the University Employee Handbook, the terms of this Policy shall apply.

The Policy applies to harassment and discrimination 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.

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.

Any member of the Rider University community whose acts deny, deprive or limit the education or employment and/or educational and employment 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 membership in a protected class is in violation of the Policy. See Section 1: Notice of the Title IX Coordinator for the full list of protected classes.

When brought to the attention of Rider University, any such discrimination or harassment will be promptly and fairly addressed and remedied by the University according to this Policy.

Rider University will apply the Policy in place at the time that the alleged violation of Policy occurred.

3. Title IX Team

Rider University's Title IX team is led by the Title IX Coordinator and consists of the following individuals to whom reports and disclosures can be made by students, employees and third parties. In addition to the individuals listed below, the Title IX Team consists of trained investigators, decision-makers and appellate officers.

The Title IX Coordinator has the primary responsibility for implementation of the Policy. This includes coordinating the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment and retaliation prohibited under the Policy.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. All members of the Title IX team, including the Title IX Coordinator, Investigators,

Decision-makers and Appellate Officers, are trained to ensure they are not biased for or against any party in a specific case or for or against complainants or respondents generally.

The individuals listed below may serve as the Title IX Coordinator's designee.

Title IX Coordinator

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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 Appellate Officer(s) to ensure 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 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 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 who has agreed to provide support and/or advice to a Complainant or Respondent and who may accompany either to all investigative interviews, hearings and other meetings or proceedings held in connection with a Formal Complaint. See Section 12: Advisors for more information.

Appellate Officer(s): The individuals responsible for determining an appeal as discussed in Section 24: Appeals. The Appellate Officer(s) may be a Rider University employee or an external contractor. The Appellate Officer(s) shall not be the University's Title IX Coordinator, or the Investigator or Decision-maker(s) assigned to the matter that is the subject of the Appeal.

Complainant: An individual who is alleged to be the victim of a violation of the Policy.

Confidential Resource: Rider University or Capital Health employees who are legally required to keep information shared by an individual truly confidential without reporting it to the Title IX Coordinator (or designee). These include Counseling Center and Student Health Center staff. See Section 8: Reporting Policy Violations for more information.

Formal Complaint: A written document signed by the Complainant or the Title IX Coordinator that alleges a violation of the Policy by a Respondent and requesting that Rider University respond via the Policy. See Section 14: Formal Complaint for more information.

Decision-maker(s): The individual(s) responsible for conducting the Hearing as part of a Formal Resolution (Process A or Process B), reaching a decision on responsibility and assigning sanctions, if appropriate. Decision-maker(s) may be Rider University employees or external contractors. Neither the Title IX Coordinator, nor the Investigator, may serve as the Decision-maker(s) for the Formal Complaint that is the subject of the Hearing.

Hearing Chair: The individual responsible for conducting the Hearing as part of a Formal Resolution (Process A or Process B). See Sections 19 and 23 for more information.

Investigator(s): The individual(s) responsible for conducting the investigation of an alleged violation of the Policy as part of Formal Resolution (Process A or Process B) discussed in Sections 19 and 23. The Investigator may be a Rider University employee or an external contractor.

Mandated Reporter: Rider University employee who may receive information or a report of discrimination, harassment and/or retaliation and who is required to promptly report such disclosures to the Title IX Coordinator (or designee). Such a disclosure or report does not constitute a report to the University triggering a response under this Policy. See Section 8: Reporting Policy Violations for more information.

Official with Authority: A Rider University employee who has the authority to address and correct harassment, discrimination and/or retaliation, working in conjunction with the Title IX Coordinator (or designee). A disclosure or report of harassment, discrimination and/or retaliation made to an Official with Authority constitutes a report to Rider University triggering a response under the Policy. See Section 8: Reporting Policy Violations for more information.

Parties: Refers to the Complainant(s) and Respondent(s) collectively.

Policy: Refers to Rider University's Anti-Harassment and Non-Discrimination Policy.

Respondent: An individual who has been reported to have engaged in an alleged violation of 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 25: Sanctions and Remedies for more information.

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 11: Supportive Measures for more information.

5. Policy Violations

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

Discriminatory Harassment / Hostile Environment

Discriminatory harassment is defined as unwelcome conduct by any member or group of the Rider University community on the basis of actual or perceived membership in a class protected by policy or law and that rises to the level of creating a hostile environment. See Section 1: Notice of Title IX Coordinator for full list of protected classes. A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe, pervasive *and* objectively offensive.

Offensive conduct and/or discriminatory harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status may result in the imposition of discipline under the University's Student Code of Social Conduct or through relevant employment policy. Such behavior may also be addressed through respectful conversation, remedial actions, education, and/or other alternative resolution mechanisms.

Discriminatory Harassment on the basis of sex is considered Sexual Harassment which is defined as follows:

Sexual Harassment

Sexual Harassment is defined as:

- Conduct on the basis of sex that involves an employee of Rider University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (*quid pro-quo*); OR
- An individual engaging in unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive *and* objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual Harassment also includes the following offenses:

- **Sexual Assault:** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible 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 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.

Please note: Stalking on the basis of sex or gender is considered Sexual Harassment.

Other Offenses

The following offenses also constitute violations of the Policy when the conduct is based upon the Complainant's actual or perceived membership in a protected class (see Section 1: Notice of Title IX Coordinator) and the result is a discriminatory limitation or denial of employment or educational access, benefits or opportunities.

- **Bullying:** Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.
- **Discrimination:** Actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment.
- **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. 2

- **Intimidation:** Implied threats or acts that cause an unreasonable fear of harm in another.
- **Sex Discrimination:** Discrimination on the basis of sex.
- **Sexual Exploitation:** An individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under the Policy.

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
- 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
- Knowing creation, possession, or dissemination of child pornography
- 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.

Online Harassment and Misconduct

The Policy is written and interpreted broadly to include online and cyber expressions of any of the behaviors prohibited below when those behaviors occur in or have an effect of 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, the University will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct such as sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, other otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another member of the University community.

6. Retaliation and Counterclaims

Retaliation

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under the Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under the Policy.

Allegations of retaliation should be promptly reported to the Title IX Coordinator (or designee). The University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Counterclaims

Rider University is obligated to ensure that the Policy is not abused for retaliatory purposes. The University permits the filing of counterclaims that will be assessed by the Title IX Coordinator (or designee) to determine that they are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation instead. Counterclaims made with retaliatory intent will not be permitted and may constitute a violation of the Policy.

Counterclaims determined to have been reported in good faith will be processed using the same procedures outlined in the Policy. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation at the discretion of the Title IX Coordinator (or designee).

7. 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.

8. Reporting Policy Violations

Any person may report conduct constituting an alleged violation of the Policy to the Title IX Coordinator or any member of the Title IX 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 Team for contact information for Title IX 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.

There is no time limitation on making reports or filing formal complaints. 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 reports/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.

In order to make informed choices, it is important to be aware of anonymity, confidentiality and mandatory reporting requirements when consulting campus and other resources as discussed below.

Anonymous Reporting

With the exception of Officials with Authority and Mandated Reporters, discussed below, any individual may anonymously report alleged violations of the Policy via Rider's Report and Support webpage (<https://www.rider.edu/about/consumer-information/report-and-support>). Depending on the information provided, the University's ability to take action in response to an anonymous report may be limited.

Confidential Reporting / Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following:

- Rider University Counseling Center staff
- Rider University Student Health Center staff (who are employees of Capital Health)
- Clergy affiliated with the University
- Any off-campus resources such as licensed professional counselors and medical providers, local rape crisis counselors, domestic violence resources, clergy/chaplains or attorneys

Confidential Resources may offer options and resources without any obligation to report actual or suspected discrimination, harassment or retaliation unless a Complainant requests that information be shared. If a Complainant expects formal action in response to their disclosure,

reporting to a Mandated Reporter should connect them with the resources to report crimes and/or violations of the Policy. See the section that follows for more information.

Mandated Reporters

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

- Facilities (non-management) staff
- 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 and Student Health Center staff who are Confidential Resources as discussed above

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

All students and employees, even if not Mandated Reporters, are encouraged to report instances of harassment, discrimination and sexual violence to the Title IX Coordinator (or designee).

Mandatory Reporters must promptly share with the Title IX Coordinator (or designee) all known details of a report or disclosure of harassment, discrimination and/or retaliation (including sexual harassment, sexual assault, dating violence, domestic violence and stalking) made to them by a Complainant or third-party in the course of their employment. Mandatory Reporters must also promptly share all details of harassment, discrimination and/or retaliation (including sexual harassment, sexual assault, dating violence, domestic violence and stalking) that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Failure to report disclosures of harassment, discrimination, sexual violence 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.

Complainants may want to 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 who themselves are a target of discrimination, harassment and/or retaliation are not required to report their own experience though they are encouraged to do so.

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.

Officials with Authority

In addition to their Mandated Reporter responsibilities as discussed above, the following individuals are considered by Rider University Officials with Authority, meaning that they have the authority to address and correct harassment, discrimination and/or retaliation, working in conjunction with the Title IX Coordinator (or designee).

A disclosure or report of such harassment, discrimination and/or retaliation made to these individuals (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to Rider University, triggering a response under the Policy.

- Title IX Coordinator and members of the Title IX Team (see Section 3)
- President
- Cabinet members including academic deans
- Director of Public Safety
- Dean of Residence Life

False Reports and Other False Information

The submission of knowingly false information is prohibited and is addressed under Rider University's Student Code of Social Conduct (students) and Employee Handbook (employees). This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or hearing decision.

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 after being directed to preserve such evidence, or deliberately mislead an official conducting an investigation under the Policy can be subject to discipline under the Student Code of Social Conduct.

9. Amnesty and the Good Samaritan Policy

Rider University encourages the reporting of misconduct by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance 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 report 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 maintains a policy of offering student parties and witnesses amnesty from more 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. It is rarely applicable to a Respondent with respect to a Complainant.

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.

10. Privacy and Confidentiality

Privacy

Rider University respects the privacy of individuals involved in any report of a possible violation of the Policy, meaning the Title IX Coordinator and others responsible for carrying out the Policy will disclose information only as required to carry out the Policy or by law. The University reserves the right to determine which University officials have a legitimate educational interest in being informed about 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.

All proceedings under the Policy, whether Informal, Formal or Administrative, are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy. Although there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Confidentiality

If a Complainant requests that a report of a possible violation remain confidential (*i.e.*, with the Complainant's identity not being disclosed to the Respondent and/or an investigation not being commenced), the Title IX Coordinator (or designee) will evaluate that request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of its community.

A Complainant is not required to file a Formal Complaint to receive Supportive Measures (see Section 11), but there may be instances when disclosing the Complainant's identity is necessary to provide certain Supportive Measures (*e.g.*, where the Respondent would need to know the identity of the Complainant in order to comply with a no-contact order). Rider University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain individuals are considered Confidential Resources who can keep truly confidential information shared by an individual without being reported to the Title IX Coordinator (or designee). See Section 8: Reporting Policy Violations for more information.

11. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services, offered at no cost, 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. Supportive Measures may also be imposed by the Title IX Coordinator (or designee) at their initiative and in their sole discretion. Supportive Measures are available beginning at any time after the submission of a report of an alleged violation of the Policy.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint.

Supportive Measures are designed to restore or preserve equal access to the University's educational programs and activities, without unreasonably burdening the other party. 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. See Section 10: Privacy and Confidentiality for more information.

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;
- Academic-related accommodations;
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, “no contact” orders);
- Changes in work or housing locations;
- Transportation accommodations;
- Leaves of absence;
- Increased security and monitoring of certain areas;
- Campus safety escort; 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 6: Retaliation and Counterclaims for more information.

12. Advisors

The Complainant and Respondent each have a right to identify an Advisor of their choice, who may accompany them to all investigative interviews, hearings and other meetings or proceedings held in connection with implementation of the Policy. An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The parties are responsible for identifying their own Advisor, if they wish to have one. Rider University will maintain a list of trained Advisors whom the Complainant or Respondent may, but are not required, to contact to determine whether they are available for that purpose.

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. The 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.

Rider 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.

As discussed in Section 19: Process A Formal Resolution, the parties *must* have an Advisor for purposes of conducting cross-examination at a hearing under Process A. If a party has not identified an Advisor to accompany them to the Process A Hearing for purposes of conducting cross-examination, the University will provide one, free of charge, for that limited purpose. Cross-examination is only allowed under Process A.

While Rider University may consider short delays in scheduling to reasonably accommodate an Advisor's availability, whether to grant such a request is in the sole discretion of the University representative responsible for the event in question (i.e., Title IX Coordinator (or designee) or Hearing Officer). The Title IX Coordinator (or designee) may also make reasonable provisions to allow an Advisor who cannot be present in person to still participate in a meeting.

Expectations of Advisors

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly or used for purposes not explicitly authorized by Rider University. The University may seek to restrict the role of an Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

13. Emergency Removal

If at any point following the receipt of a report of an alleged violation of the Policy, Rider University determines that the Respondent poses an immediate threat to the health or safety of the Complainant or any other person(s), including the Respondent, the University may remove the Respondent from any or all of its education programs or activities. This also includes consideration of the Respondent's reported post-incident action or behavior. The imposition of an Emergency Removal does not suggest a finding of responsibility for a violation of the Policy. An Emergency Removal may be implemented without a Formal Complaint.

Before imposing an Emergency Removal, the Title IX Coordinator (or designee), in consultation with the Title IX Team and other individuals as appropriate, will undertake an individualized safety and risk analysis concerning the Respondent. An Emergency Removal will be imposed only if the Title IX Coordinator (or designee) concludes that the threat to health or safety arises from the allegations of the Policy violation and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of the University's campus facilities, academic program, or other programs or activities. While the University may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (*e.g.*, changes in housing or No Contact Orders) do not constitute Emergency Removals.

The Title IX Coordinator (or designee) has sole discretion under the Policy to implement, modify, or stay an Emergency Removal and to determine the conditions and duration. Violation of an Emergency Removal under the Policy is grounds for discipline under the student or employee conduct processes and may include expulsion or termination.

The Title IX Coordinator (or designee) will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator (or designee), these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, intercollegiate/intramural athletics or club sports.

Separate from the Emergency Removal process, the Title IX Coordinator (or designee) may request that Rider University place an employee-Respondent on an administrative leave, with or without pay, and consistent with the employee-Respondent's rights under Title VII and other applicable employment laws.

The Title IX Coordinator (or designee) will notify the Respondent in writing of the terms imposed in connection with an Emergency Removal along with an explanation of their right to challenge the Emergency Removal as per the section that follows.

Challenging an Emergency Removal

The Respondent has the opportunity to challenge the Emergency Removal by submitting a written appeal to the Title IX Coordinator (or designee) within two (2) business days from the date of the notice of the Emergency Removal, explaining why the Emergency Removal is not appropriate and requesting a meeting to discuss. The Respondent may be accompanied by their Advisor when meeting with the Title IX Coordinator (or designee).

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 is appropriate. The Emergency Removal will remain in place while the appeal is pending. The Title IX Coordinator (or designee) shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

In evaluating the appeal, the Title IX Coordinator (or designee) may seek additional information from the Respondent or any other individual.

14. Formal Complaint

A Formal Complaint is a written document signed by the Complainant or the Title IX Coordinator (or designee) that alleges a violation of the Policy by a Respondent and requesting that Rider University respond via the Policy.

Complainants are encouraged, but not required, to proceed with a Formal Complaint. If the Complainant desires to proceed with a Formal Complaint, the Title IX Coordinator (or designee) will assist the Complainant to file a Formal Complaint.

There is no time limit within which a Complainant must file a Formal Complaint. If the Respondent is no longer subject to Rider University’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

It should be noted that the Respondent must be a member of Rider University’s community in order for the Policy to apply. If the Respondent is unknown or is not a member of the Rider University community, the Title IX Coordinator (or designee) will assist the Complainant in identifying appropriate on and/or off campus resources and support options. If criminal conduct is alleged, Rider can assist in contacting local law enforcement if the Complainant wants to file a police report.

Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

A Complainant who decides to withdraw a Formal Complaint may later request to reinstate or refile it.

If the Title IX Coordinator (or designee) receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one party against the other party (i.e., “counterclaims”), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the parties, the Title IX Coordinator (or designee) has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all parties must receive the same version of the written determination.

When a Complainant Does Not Wish to Proceed with a Formal Complaint

If the Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want to proceed with a Formal Complaint, they may make such a request to the Title IX Coordinator (or designee) who will evaluate that request in light of the duty to ensure a safe and nondiscriminatory environment for all members of the campus community and to comply with state or federal law. The Title IX Coordinator (or designee) has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so and may themselves sign a Formal Complaint upon completion of a violence risk assessment. Such an assessment would show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons and/or violence. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator (or designee) also considers the effect that non-participation by the Complainant may have on the availability of evidence and the University’s ability to pursue formal action fairly and effectively. Additionally, the University’s ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with formal

action. The goal is to provide the Complainant with as much control over the process as possible while balancing the University's obligation to protect the campus community.

In signing a Formal Complaint, the Title IX Coordinator does not become the Complainant. The Complainant is the individual who is alleged to have experienced the conduct that could constitute a violation of the Policy. The Complainant may have as much or as little involvement in the process as they wish when the Title IX Coordinator signs the Formal Complaint.

Notice of Dismissal for Purposes of Title IX Sexual Harassment

As discussed in greater detail in Section 15: Process A and Process B, if the alleged violation does not fall under the jurisdiction of the federal 2020 Title IX regulations (34 CFR Part 106.45), as determined by the Title IX Coordinator (or designee) at the time a Formal Complaint is submitted, the Title IX Coordinator (or designee) will dismiss the Formal Complaint. The Title IX Coordinator will promptly provide written notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent.

Both the Complainant and Respondent may appeal any adverse decision to dismiss the Formal Complaint for purposes of Title IX Sexual Harassment by submitting a written request for appeal to the Title IX Coordinator (or designee) within three (3) business days of the date of the notice of dismissal. The appeal will be determined using the procedures set forth in Section 24: Appeals.

As discussed in Section 15: Process A and Process B, dismissing a Formal Complaint under the federal 2020 Title IX regulations is solely a procedural requirement under the federal regulations and does not limit the University's authority to address the Formal Complaint with an appropriate process and remedies. The Title IX Coordinator (or designee), in their sole discretion, can choose to pursue the Formal Complaint as per Process B of the Policy. When that is the case, the notice of dismissal will inform the parties of this decision which is not subject to appeal under the Policy.

15. Process A and Process B

Alleged violations of the Policy that fall within the scope of the federal 2020 Title IX regulations (34 CFR Part 106.45) will be pursued via Process A of the Policy. Alleged violations of the Policy that fall outside of that scope may be pursued via Process B of the Policy. The determination of the jurisdiction is made by the Title IX Coordinator (or designee) at the time a Formal Complaint is filed (See Section 14: Formal Complaint for more information).

Should the Title IX Coordinator (or designee) determine that the jurisdiction falls outside the scope of the Title IX regulations, the University *must* dismiss the Formal Complaint. This is solely a procedural requirement under the federal regulations. Dismissing a Formal Complaint under the 2020 Title IX regulations (34 CFR Part 106.45) does not limit the University's authority to address the Formal Complaint with an appropriate process and remedies. The Title IX Coordinator (or designee), in their sole discretion, can choose to address the Formal Complaint via Process B of the Policy.

If any of the following circumstances are met, the Title IX Coordinator (or designee) WILL dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved, as defined by the 2020 Title IX regulations (and as defined in the Policy);
- The conduct alleged in the Formal Complaint did not occur in the University's education program or activity, which is defined as locations, events or circumstances over which the University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the University; and/or
- The conduct alleged in the Formal Complaint did not occur against a person in the United States.
- The Complainant is not participating or attempting to participate in the University's programs or activities.

Further, if any of the following circumstances are met, the Title IX Coordinator (or designee) MAY dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, in the Title IX Coordinator's sole discretion:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegation in it; or
- The Respondent is no longer enrolled or employed at the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

The Title IX Coordinator will promptly provide written notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent following submission of a Formal Complaint (see Section 14: Formal Complaint for more information).

Both the Complainant and Respondent may appeal any adverse decision to dismiss the Formal Complaint for purposes of Title IX Sexual Harassment by submitting a written request for appeal to the Title IX Coordinator (or designee) within three (3) business days of the date of the notice of dismissal. The appeal will be determined using the procedures set forth in Section 24: Appeals.

The decision of the Title IX Coordinator (or designee) to pursue the Formal Complaint as per Process B of the Policy will be provided in writing in the notice of the dismissal and is not subject to appeal under the Policy.

Please note: Title IX Sexual Harassment does not apply to organizations. Allegations of Policy violations pursued against a student organization will be addressed via Process B.

PROCESS A

16. Process A Introduction

Process A of Rider University’s Anti-Harassment and Non-Discrimination Policy applies to allegations of sexual harassment, including sexual assault, dating violence, domestic violence and stalking, involving students or employees of the University that fall within the scope of the federal 2020 Title IX regulations. See Section 15: Process A and Process B for more information.

Formal Complaints pursued through Process A will be resolved as promptly as reasonably possible. The Title IX Coordinator (or designee) will balance the desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from a number of factors, including but not limited to, the appeal of a dismissal as discussed in Section 15: Process A and Process B, impacts of concurrent criminal processes, an attempt at Informal Resolution, the absence of parties or witnesses, accommodations for disabilities or health conditions, emergencies and unforeseen events. The Title IX Coordinator (or designee) may, in their sole discretion, extend the time for completion of the process for good cause, and will provide written notice to the parties of the reason for an extension or delay.

17. Process A Initial Assessment

Upon receipt of a report or disclosure to the Title IX Coordinator (or designee) of an alleged violation of the Policy, the Title IX Coordinator (or designee) will initiate a prompt assessment to determine the steps the University should take. This includes an initial meeting with the Complainant to determine their interest in pursuing Supportive Measures (see Section 11) and/or Informal or Formal Resolution and to provide assistance to the Complainant should they wish to file a Formal Complaint (see Section 14) or to make a report to local police. The Title IX Coordinator (or designee) will also meet with the Respondent as part of the initial assessment process.

In some cases, the Title IX Coordinator (or designee) will conduct a risk assessment with the assistance of the Title IX Team to determine any risks to the wider Rider community, whether Emergency Removal of the Respondent should be considered (see Section 13), and/or whether other measures should be considered or taken related to the initial report of an alleged Policy violation.

18. Process A Informal Resolution

Informal Resolution is available only when a Formal Complaint has been filed and both parties agree to Informal Resolution in writing. Informal Resolution requires the approval of the Title IX Coordinator (or designee), who may deem its use inappropriate based on the specific allegations involved or other factors.

Please note: Informal Resolution is not available to resolve a student-Complainant’s allegations that an employee has engaged in Title IX Sexual Harassment.

Informal Resolution under Process A may be considered when:

- The Title IX Coordinator (or designee) can remedy the situation by providing Supportive Measures (discussed in Section 11) without engaging in additional action;
- The parties agree in writing to resolve the matter through an alternative resolution mechanism, typically before a formal investigation takes place; or
- The Respondent accepts responsibility for violating the Policy and agrees to accept a sanction to end the resolution process, typically after a formal investigation takes place.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Resolution. Any party participating in Informal Resolution can stop the process at any time and begin or resume Formal Resolution.

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

Written Notice of Informal Resolution

The Title IX Coordinator (or designee) will provide written notice to the Complainant and Respondent prior to initiating Informal Resolution. Such written notice will include the following:

- A copy of the Policy. (This can include a link to the Policy on the University’s website).
- Notice of the allegations of conduct that may constitute an alleged Policy violation, with sufficient detail for the Respondent to prepare a response before any initial meeting, including, if known, the identities of the parties involved and the date and location of the incident.
- A description of the type of Informal Resolution to be pursued.
- Notice of their right to an Advisor of choice at any meeting or other proceeding related to the Formal Complaint, as discussed below.
- Notice of the right to withdraw from Informal Resolution to pursue Formal Resolution, and any consequences of participation (e.g., as it relates to any subsequent Formal Resolution if Informal Resolution is not achieved).

Alternative Resolutions

Alternative resolutions provide a mechanism by which the parties reach a mutually agreed upon resolution. The willingness of the parties to engage authentically is critical to success. Therefore, all parties must willingly agree in writing to participate and can choose to withdraw at any time.

The Respondent's agreement to undertake an alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has violated University policy. Likewise, the Complainant's agreement to undertake an alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has not violated University policy.

Alternative resolutions are made available at the discretion of the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) may consider any suggestions or terms that the parties believe would be necessary for effective participation. The Title IX Coordinator (or designee) may look to the factors below to assess whether an alternative resolution is appropriate and which form may be most successful for the parties.

- The parties' amenability to an alternative resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the alternate resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in an alternate resolution (time, staff, etc.)

Alternative resolutions are not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of the Policy.

Alternative resolutions may result in mutually agreed-upon outcomes, including, but not limited to, mediated terms or agreements, accommodations including but not limited to new or continued support measures, reassignments or relocations, and/or educational outcomes including but not limited to training or coaching. The result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

The ultimate determination of whether an alternative resolution has been successful is to be made by the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) maintains records of any resolution. Failure to abide by the resolution agreement may result in appropriate disciplinary/responsive actions.

Alternative Resolution Options

In various ways and with different levels of facilitation and contact between the parties, alternative resolution processes can allow for an exchange of perceptions, for the building of common ground, for recognition and repair of harm, for resolution of misunderstanding, and/or for the development of a pathway forward. Alternative resolution can be an effective choice to

both correct behavior and restore relationships in the workplace/campus community. The availability of any of alternative resolution will be based on circumstances at the time.

Resolution options can include, but are not limited to:

- conflict coaching,
- shuttle negotiation,
- facilitated dialogue,
- mediation, and
- negotiated resolution

Respondent Accepts Responsibility for Alleged Violation(s)

The Respondent may accept responsibility for all or part of the alleged violation of Policy at any point during the resolution process.

If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct while Formal Resolution is underway (see Section 19), Formal Resolution will be paused and the Title IX Coordinator (or designee) will determine whether Informal Resolution can be used.

If Informal Resolution is applicable, the Title IX Coordinator (or designee) will determine whether all parties and the University are able to agree on responsibility, sanctions/corrective actions, and/or remedies. If so, the Title IX Coordinator (or designee) implements a finding that the Respondent is in violation of the Policy and implements agreed-upon sanctions, corrective actions, and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to the agreed upon terms of resolution.

When a resolution is accomplished, the appropriate sanction/corrective actions are promptly implemented in order to effectively stop the harassment, discrimination, or retaliation; prevent its recurrence; and remedy its effects on the Complainant and campus community. Conversely, when the parties cannot agree on all terms of resolution, Formal Resolution will resume at the same point where it was paused.

19. Process A Formal Resolution

Formal Resolution involves an Investigation and Hearing through which an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a Policy violation (inculpatory) and evidence that supports that the Respondent did not engage in a Policy violation (exculpatory). Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

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 a preponderance of the evidence. 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), violations 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.

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

Notice of Investigation and Allegation (NOIA)

A Notice of Investigation and Allegation (NOIA) will be provided in writing to the Complainant and Respondent as the first step in Formal Resolution. The NOIA will include the following:

- A copy of the Policy. (This can include a link to the Policy on the University website.)
- Notice of the allegations of conduct that may constitute a violation of the Policy, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the parties involved and the date and location of the incident.
- The presumption that the Respondent is not responsible for the alleged violation unless a determination of responsibility is reached at the conclusion of Formal Resolution.
- Potential sanctions/responsive actions that could result with a finding of responsibility.
- Notice of each party's right to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint.
- Notice of the privacy of the process.
- The identity of the Investigator as discussed in the next section.
- Instructions to preserve any evidence that is directly related to the allegations.
- Notice that the parties may inspect and review evidence gathered during the investigation, including a copy of the draft investigation report before it is finalized.
- Information regarding how the parties may request disability accommodations during the process.
- Notice of the University's prohibition regarding retaliation and that Rider University's Student Code of Social Conduct prohibits knowingly making false statements or knowingly submitting false information during Informal or Formal Resolution.

If additional allegations of violations of the Policy and/or the Student Code of Social Conduct are identified during the course of the investigation and will be included in the Formal Complaint, the Title IX Coordinator (or designee) will issue an updated NOIA to both parties.

Investigation

The Notice of Investigation and Allegation (NOIA) will identify the Investigator(s) appointed by the Title IX Coordinator (or designee). Either party may object to the Investigator(s) on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator (or designee) in writing within three (3) business days of receipt of the issuance of the NOIA. The Title IX Coordinator (or designee), in their sole discretion, shall determine whether a different Investigator(s) should be appointed.

The Investigator(s) will conduct an investigation of the allegations in the Formal Complaint, and is responsible for interviewing the parties and witnesses, and gathering relevant inculpatory and exculpatory evidence regardless of whether it is obtained from a party or any other source. 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.

All parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator(s).

Parties 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 12: Advisors.

Investigative interviews will be held in-person or via Zoom or other electronic means at the discretion of the Investigator(s). Parties will be made aware by the Investigator(s) of audio and/or video recording of interviews. 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.

Evidentiary Considerations in the Investigation

The Investigation does NOT consider the following:

1. Incidents not directly related to the possible violation unless they evidence a pattern; or
2. Questions and evidence about the Complainant's sexual predisposition; or
3. Questions and evidence about the Complainant's prior sexual behavior unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the Investigator(s) 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 an Investigation Report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth in the prior section (*e.g.*, medical records regarding which the party has not authorized disclosure).

Prior to the completion of the Investigation Report, a copy of the draft report and all evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the Hearing or in connection with any decision on responsibility, will be sent to both the Complainant and Respondent and their Advisors. The parties are strictly prohibited from disclosing or disseminating the draft report and evidence to any third parties and from using it for purposes other than carrying out Formal Resolution. The Complainant and Respondent will each have ten (10) business days to provide a written response concerning the evidence to the Investigator(s), including identifying additional evidence for the Investigator's consideration prior to completing the Investigation Report. The response must be by the party, not the party's Advisor.

The Investigator(s) may choose to respond in writing in the report to the responses of the parties and/or to share the responses between the parties for their responses while also ensuring that they do not create a never-ending feedback loop. The Investigator(s) may also conduct additional interviews and evidence collection as they deem necessary based on the responses of the parties.

Once finalized by the Investigator(s), the final Investigation Report is shared with the parties and their Advisors no less than ten (10) business days before the Hearing for review and any written comment.

Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, the Title IX Coordinator (or designee) may refer the matter for a hearing. The Hearing will be scheduled not fewer than ten (10) business days after the final Investigation Report is shared with the parties and their Advisors. The Title IX Coordinator (or designee) will issue a Notice of Hearing in writing to the parties and their Advisors (see below).

Notice of Hearing

The Notice of Hearing will be sent in writing no less than ten (10) business days prior to the Hearing to both parties and their Advisors and will include the following:

- The date, time and location of the Hearing, including any technology that will be used to facilitate and/or record the Hearing;
- The specific charges related to the alleged violation of Policy subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- The individual(s) serving as Decision-maker(s) including the Hearing Chair;
- A list of all those invited to attend the Hearing, including witnesses called by the Hearing Chair who will provide testimony;
- Any technology that will be used to facilitate the Hearing.

- A date and time for pre-hearing meetings to be held with each party and their Advisor; and
- The various rights of the parties as described in the sections that follow.

Hearing Participants

Hearing participants include only the following:

Advisors: The individuals who provide support and/or advice to a Complainant or Respondent. See Section 12: Advisors for more information.

The parties shall inform the Title IX Coordinator (or designee) whether they will be accompanied at the Hearing by their Advisor of choice no later than five (5) business days before the Hearing. If a party has not identified an Advisor, the University will provide one, free of charge, for the sole purpose of conducting cross-examination as discussed in the sections that follow.

Decision-maker(s): The Title IX Coordinator (or designee) will designate either a single Decision-maker or a panel of three (3) Decision-makers 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. The Title IX Coordinator may not serve as a Decision-maker but may serve as Hearing Facilitator.

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. A single Decision-maker is considered the Hearing Chair.

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: Witnesses are invited at the discretion of the Hearing Chair and must have been previously interviewed by the Investigator(s) or have proffered a written statement or answered written questions as part of the Investigation.

No later than five (5) business days after receipt of the Notice of Hearing, the parties may request in writing to the Hearing Chair that additional witnesses be asked to be present at the Hearing. The request must include a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such a request

as potentially providing relevant information shall be in the sole discretion of the Hearing Chair, who will advise the requesting party of the final decision. If the request is approved, the Hearing Chair will advise the other party.

The parties and witnesses have the right not to attend the Hearing. If a party fails to attend the Hearing, the Hearing may be held in the party's absence at the discretion of the Hearing Chair. For compelling reasons, the Hearing Chair may reschedule the Hearing in their discretion.

The parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Hearing Chair. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator (or designee) may be present throughout the Hearing, as may other University representatives at the discretion of the Hearing Chair.

Pre-Hearing Meeting

At the Hearing Chair's discretion or at the request of a party, pre-hearing meetings may be scheduled with each of the parties and their Advisors to explain the hearing process and procedures.

Challenging the Appointment of Decision-makers or Hearing Date

Any party may object to the Hearing date or challenge the appointment of Decision-maker(s) for bias or conflict of interest by submitting a written objection detailing the rationale for the objection to the Title IX Coordinator (or designee) as soon as possible and no later than five (5) business days in advance of the Hearing. The Title IX Coordinator (or designee), in their sole discretion, shall determine whether the Decision-maker(s) and/or Hearing Chair should be removed and/or the Hearing rescheduled.

Hearing Location and Disability Accommodations

At the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted in writing to the Title IX Coordinator at least three (3) business days before the Hearing.

Each party may contact the Title IX Coordinator in writing 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 via email to the Hearing Chair that the Hearing Chair will review during any sanction determination.

Documents

All documentary evidence provided to the parties will be made available at the Hearing, as well as all evidence produced by the parties in their response to the draft Investigation Report. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Chair.

Recording

The Hearing will be recorded via audio, audiovisual recording or transcript and will be made available to the parties upon request. Recesses taken by the Hearing Chair, including for the Hearing Chair to consult with the Title IX Coordinator (or designee), Investigator(s) or any other University representative will not be recorded.

Standard of Proof

The Decision-maker(s) will make decisions on responsibility using a preponderance of the evidence standard. Preponderance of the evidence means that it is more likely than not that the Respondent is responsible.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered.

The Hearing does NOT consider the following:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. Questions and evidence about the Complainant's sexual predisposition;
3. Questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Any party or 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. The Decision-maker(s) can only rely on whatever relevant evidence is available through the Investigation and Hearing in making the ultimate determination of responsibility as long as it is not otherwise subject to exclusion under the Policy. This evidence can include, but is not limited to, opinions and statements in police reports or other official reports, medical records/reports, court records and filings, emails, text messages, video, affidavits, social media postings, and other similar documents.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the Hearing or refusal to submit to cross-examination or answer other questions.

Within the boundaries stated above, the Hearing 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. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process, and is not shared until then.

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 applause, 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.

Hearing Procedures

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

Introduction

The Hearing Chair explains the procedures and introduces the participants. The Hearing Chair will answer all questions of procedure.

Opening Statements

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

Investigator(s) Summary of the Investigation Report

The Investigator(s) will present a summary of the Investigation Report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) may be present during the entire Hearing but not during the deliberations of the Decision-maker(s).

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations. The Investigator(s), Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Hearing Chair will direct that it be disregarded.

Testimony of Parties

Following the Investigator(s)' summary of the Investigation Report, the Decision-maker(s) will typically hear from the Complainant first, followed by the Respondent. The order will be determined by the Hearing Chair. Each party will have the opportunity to provide relevant information and evidence to the Decision-maker(s). The Decision-maker(s) will ask relevant follow-up questions of each party.

The Hearing Chair is responsible for making all determinations of relevance as to questions and documentary evidence presented at the Hearing. For purposes of the Policy, “relevant” means that the evidence supports or negates any material fact. The Hearing Chair will explain the rationale to exclude a question as irrelevant.

Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Decision-maker(s). Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

Advisors and Cross Examination

Each party’s Advisor has the opportunity to ask cross-examination questions of the other party. With respect to cross-examination, Advisors are limited to asking only relevant questions. The Hearing Chair will determine whether questions are relevant prior to the party answering the question. The Hearing Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant) or abusive. The Hearing Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. If the question is deemed not relevant, the Hearing Chair will provide a brief explanation and the question will be precluded or reframed for relevance. The Hearing Chair has final say on all questions and determinations of relevance and the Chair’s decision is not subject to challenge or objection during the Hearing.

Except when conducting cross-examination, 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 Hearing Chair.

An Advisor whose presence is deemed by the Hearing Chair 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 Hearing Chair shall recess the Hearing until the University appoints an Advisor for purposes of cross-examination.

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 Hearing Chair may elect to address those issues, consult with legal counsel and/or refer them to the Title IX Coordinator and/or preserve them for appeal. If bias is not an issue at the Hearing, the Chair should not permit irrelevant questions that probe for bias.

Testimony of Witnesses

A similar process and the same rules that apply to parties will apply to the testimony of witnesses. Like the parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness. The Hearing Chair will excuse witnesses from the Hearing following their testimony. If a witness is not present for questioning at a hearing, their interview and/or written statement as part of the Investigation Report may still be used as evidence.

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

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not for the policy violation(s) in question. 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 Hearing Chair but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted impact statement(s) from the parties. The Decision-maker(s) 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.

Hearing Outcome Letter

The Title IX Coordinator (or designee) will work with the Hearing Chair to prepare the Hearing Outcome Letter which will be provided to the parties and their Advisors.

The Hearing Outcome Letter will include:

- A description of the allegations that led to the Hearing, as potentially constituting a violation of the Policy.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of the Policy to the facts.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator (or designee) is responsible for implementing such remedies.

- The procedures and permissible bases for the Complainant and Respondent to appeal. See Section 24: Appeals for further information.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

PROCESS B

20. Process B Introduction

Process B of Rider’s Anti-Harassment and Non-Discrimination Policy applies to allegations of harassment and discrimination including sexual harassment (sexual assault, dating violence, domestic violence and stalking) involving students or employees of the University that fall outside the scope of the federal 2020 Title IX regulations (34 CFR Part 106). Process B is applicable when the Title IX Coordinator (or designee) determines that Process A is inapplicable or offenses subject to Process A have been dismissed. See Section 15: Process A and Process B for more information.

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 a preponderance of the evidence. It is also presumed that a report is made in good faith until evidence demonstrates otherwise.

Formal Complaints pursued through Process B will be resolved as promptly as reasonably possible. The Title IX Coordinator (or designee) will balance the desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from a number of factors, including but not limited to, the appeal of a dismissal as discussed in Section 15: Process A and Process B, impacts of concurrent criminal processes, an attempt at Informal Resolution, the absence of parties or witnesses; accommodations for disabilities or health conditions, emergencies and unforeseen events. The

Title IX Coordinator (or designee) may, in their sole discretion, extend the time for completion of the process for good cause as determined in their sole discretion, and will provide written notice to the parties of the reason for an extension or delay.

21. Process B Initial Assessment

Upon receipt of a report or disclosure to the Title IX Coordinator (or designee) of an alleged violation of the Policy, the Title IX Coordinator (or designee) will initiate a prompt assessment to determine the steps the University should take. This includes an initial meeting with the Complainant to determine their interest in pursuing Supportive Measures (see Section 11) and/or Informal or Administrative Resolution and to provide assistance to the Complainant should they wish to file a Formal Complaint (see Section 14) and/or to make a report to local police. The

Title IX Coordinator (or designee) will also meet with the Respondent as part of the initial assessment process.

In some cases, the Title IX Coordinator (or designee) will conduct a risk assessment with the assistance of the Title IX Team or others to determine any risks to the wider Rider community, whether Emergency Removal of the Respondent should be considered (see Section 13), and/or whether other measures should be considered or taken related to the initial report of an alleged Policy violation.

Reasonable Cause Determination

Whether Informal or Administrative Resolution is pursued under Process B considers the preferences of the parties but is ultimately determined at the discretion of the Title IX Coordinator (or designee). At any point during the initial assessment or Informal or Administrative Resolution, the Title IX Coordinator (or designee) determines that reasonable cause does not support the conclusion that the Policy has been violated, the process will end and the parties will be notified.

The Complainant may request that the Title IX Coordinator (or designee) review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator (or designee) but the request is usually only granted in extraordinary circumstances.

22. Process B Informal Resolution

Informal Resolution is available only when a Formal Complaint has been filed and both parties agree to Informal Resolution in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator (or designee), who may deem its use inappropriate based on the specific allegations involved or other factors.

Informal Resolution is applicable when:

- The parties voluntarily agree to resolve the matter through an alternative resolution mechanism;
- The Respondent accepts responsibility for violating the Policy, typically after a formal investigation takes place; or
- The Title IX Coordinator (or designee) can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution and any party participating in Informal Resolution can stop the process at any time and begin or resume Administrative Resolution. Further, if Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

Statements made and evidence shared during Informal Resolution will not be considered in Administrative Resolution. The outcome of Informal Resolution 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.

Written Notice of Informal Resolution

The Title IX Coordinator (or designee) will provide written notice to the Complainant and Respondent prior to initiating Informal Resolution. Such written notice will include the following:

- A copy of the Policy. (This can include a link to the Policy on the University’s website).
- Notice of the allegations of conduct that may constitute an alleged Policy violation, with sufficient detail for the Respondent to prepare a response before any initial meeting, including, if known, the identities of the parties involved and the date and location of the incident.
- A description of the type of Informal Resolution to be pursued.
- Notice of their right to an Advisor of choice at any meeting or other proceeding related to the Formal Complaint, as discussed below.
- Notice of the right to withdraw from Informal Resolution to pursue Administrative Resolution, and any consequences of participation (*e.g.*, as it relates to any subsequent Administrative Resolution if Informal Resolution is not achieved).

Alternative Resolutions

Alternative resolutions provide a mechanism by which the parties reach a mutually agreed upon resolution. The willingness of the parties to engage authentically is critical to success.

Therefore, all parties must willingly agree in writing to participate and can choose to withdraw at any time.

The Respondent’s agreement to undertake an alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has violated University policy. Likewise, the Complainant’s agreement to undertake an alternative resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the Respondent has not violated University policy.

Alternative resolutions are made available at the discretion of the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) may consider any suggestions or terms that the parties believe would be necessary for effective participation. The Title IX Coordinator (or designee) may look to the factors below to assess whether an alternative resolution is appropriate and which form may be most successful for the parties.

- The parties’ amenability to an alternative resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties’ motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;

- Whether an emergency removal is needed;
- Skill of the alternate resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in an alternate resolution (time, staff, etc.)

Alternative resolutions are not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of the Policy.

Alternative resolutions may result in mutually agreed-upon outcomes, including, but not limited to, mediated terms or agreements, accommodations including but not limited to new or continued support measures, reassignments or relocations, and/or educational outcomes including but not limited to training or coaching. The result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

The ultimate determination of whether an alternative resolution has been successful is to be made by the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) maintains records of any resolution. Failure to abide by the resolution agreement may result in appropriate disciplinary/responsive actions.

Alternative Resolution Options

In various ways and with different levels of facilitation and contact between the parties, alternative resolution processes can allow for an exchange of perceptions, for the building of common ground, for recognition and repair of harm, for resolution of misunderstanding, and/or for the development of a pathway forward. Alternative resolution can be an effective choice to both correct behavior and restore relationships in the workplace/campus community. The availability of any of alternative resolution will be based on circumstances at the time.

Resolution options can include, but are not limited to:

- conflict coaching,
- shuttle negotiation,
- facilitated dialogue,
- mediation, and
- negotiated resolution

Respondent Accepts Responsibility for Alleged Violation(s)

The Respondent may accept responsibility for all or part of the alleged violation of Policy at any point during the resolution process.

If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, Administrative Resolution will be paused, and the Title IX Coordinator (or designee) will determine whether Informal Resolution can be used.

If Informal Resolution is applicable, the Title IX Coordinator (or designee) will determine whether all parties and the University are able to agree on responsibility, sanctions/corrective actions, and/or remedies. If so, the Title IX Coordinator (or designee) implements a finding that the Respondent is in violation of the Policy and implements agreed-upon sanctions, corrective actions, and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to the agreed upon terms of resolution.

When a resolution is accomplished, the appropriate sanction/corrective actions are promptly implemented in order to effectively stop the harassment, discrimination, or retaliation; prevent its recurrence; and remedy its effects on the Complainant and campus community. Conversely, when the parties cannot agree on all terms of resolution, Administrative Resolution will resume at the same point where it was paused.

23. Process B Administrative Resolution

Administrative Resolution begins with an Investigation through which an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a Policy violation (inculpatory) and evidence that supports that the Respondent did not engage in a Policy violation (exculpatory).

At the discretion of the Title IX Coordinator (or designee), violations 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 Administrative Resolution in lieu of engaging in a separate decision-making process for those potential violations.

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

Notice of Investigation and Allegation (NOIA)

A Notice of Investigation and Allegation (NOIA) will be provided in writing to the Complainant and Respondent as the first step in Administrative Resolution. The NOIA will include the following:

- A copy of the Policy. (This can include a link to the Policy on the University website.)
- Notice of the allegations of conduct that may constitute a violation of the Policy, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the parties involved and the date and location of the incident.
- The presumption that the Respondent is not responsible for the alleged violation unless a determination of responsibility is reached at the conclusion of Formal Resolution.
- Potential sanctions/responsive actions that could result with a finding of responsibility.
- Notice of each party's right to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint.
- Notice of the privacy of the process.

- The identity of the Investigator(s) as discussed in the next section.
- Instructions to preserve any evidence that is directly related to the allegations.
- Notice that the parties may inspect and review evidence gathered during the investigation, including a copy of the draft investigation report before it is finalized.
- Information regarding how the parties may request disability accommodations during the process.
- Notice of the University's prohibition regarding retaliation and that Rider University's Student Code of Social Conduct prohibits knowingly making false statements or knowingly submitting false information during Informal or Formal Resolution.

If additional allegations of violations of the Policy and/or the Student Code of Social Conduct are identified during the course of the investigation and will be included in the Formal Complaint, the Title IX Coordinator (or designee) will issue an updated NOIA to both parties.

Investigation

The Notice of Investigation and Allegation (NOIA) will identify the Investigator(s) appointed by the Title IX Coordinator (or designee). Either party may object to the Investigator(s) on the grounds of conflict of interest or bias by submitting an objection to the Title IX Coordinator (or designee) at any point during the resolution process. 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.

The Investigator(s) will conduct an investigation of the allegations in the Formal Complaint, and is responsible for interviewing the parties and witnesses, and gathering relevant inculpatory and exculpatory evidence which will be evaluated objectively. 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.

All parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator(s).

Parties 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 12: Advisors.

Investigative interviews will be held in-person or via Zoom or other electronic means at the discretion of the Investigator(s). Parties will be made aware by the Investigator(s) of audio and/or video recording of interviews. 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.

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.

Investigation Report

The Investigator(s) will prepare an Investigation Report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth in prior sections of the Policy (*e.g.*, medical records regarding which the party has not authorized disclosure).

Prior to the completion of the Investigation Report, a copy of the draft report and all evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the Hearing or in connection with any decision on responsibility, will be sent to both the Complainant and Respondent and their Advisors. The parties are strictly prohibited from disclosing or disseminating the draft report and evidence to any third parties and from using it for purposes other than carrying out Administrative Resolution. The Complainant and Respondent will each have ten (10) business days to provide a written response concerning the evidence to the Investigator(s), including identifying additional evidence for the Investigator's consideration prior to completing the Investigation Report. The response must be by the party, not the party's Advisor.

The Investigator(s) may choose to respond in writing in the report to the responses of the parties and/or to share the responses between the parties for their responses while also ensuring that they do not create a never-ending feedback loop. The Investigator(s) may also conduct additional interviews and evidence collection as they deem necessary based on the responses of the parties.

Once finalized by the Investigator(s), the final Investigation Report is shared with the parties and their Advisors.

Reasonable Cause Determination

Provided that the Formal Complaint is not resolved through Informal Resolution, the Title IX Coordinator (or designee) will review the Investigation Report to determine if there is reasonable cause to believe that the Respondent may have violated the Policy.

- If reasonable cause does NOT exist to believe a violation of the Policy has occurred by a student-Respondent, the matter may be referred to the Office of Community Standards to review for potential violation(s) of the Student Code of Social Conduct. If the matter is not referred to the Office of Community Standards, the process will end and the Title IX Coordinator (or designee) will inform the parties of such.
- If reasonable cause does NOT exist to believe a violation of the Policy has occurred by an employee-Respondent, the matter may be referred to the Vice President for Human Resources and the appropriate department head for potential other action. If the matter is

not referred, the process will end and the Title IX Coordinator (or designee) will inform the parties of such.

- If reasonable cause does exist to believe a violation of the Policy has occurred by a student-Respondent, the Title IX Coordinator (or designee) will refer the matter for a Hearing. The Hearing may also address potential violations of the Student Code of Social Conduct.
- If reasonable cause does exist to believe a violation of the Policy has occurred by an employee-Respondent, the employee process will be followed as outlined later in the Policy under the Section entitled “Process B Administrative Resolution for Employee Respondents.”

Hearing

The Hearing will be scheduled not fewer than ten (10) business days after the final Investigation Report is shared with the parties and their Advisors unless all parties and the Title IX Coordinator (or designee) agree to an expedited timeframe. The Title IX Coordinator (or designee) will issue a Notice of Hearing in writing to the parties and their Advisors.

Notice of Hearing

The Notice of Hearing will be sent in writing no less than ten (10) business days prior to the Hearing to both parties and their Advisors (unless all parties and the Title IX Coordinator agree to an expedited timeframe) and will include the following:

- The date, time and location of the Hearing, including any technology that will be used to facilitate and/or record the Hearing;
- The specific charges related to the alleged violation of Policy subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- The individual(s) serving as Decision-maker(s) including the Hearing Chair;
- A list of all those invited to attend the Hearing, including witnesses called by the Hearing Chair who will provide testimony;
- Any technology that will be used to facilitate the Hearing.
- A date and time for pre-hearing meetings to be held with each party and their Advisor; and
- The various rights of the parties as described in the sections that follow.

Hearing Participants

Hearing participants include only the following:

Advisors: The individuals who provide support and/or advice to a Complainant or Respondent. See Section 12: Advisors for further information.

The parties shall inform the Title IX Coordinator (or designee) whether they will be accompanied at the Hearing by their Advisor of choice no later than five (5) business days before the Hearing.

Decision-maker(s): The Title IX Coordinator (or designee) will designate either a single Decision-maker or a panel of three (3) Decision-makers 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. The Title IX Coordinator may not serve as a Decision-maker but may serve as Hearing Facilitator.

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. A single Decision-maker is considered the Hearing Chair.

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: Witnesses are invited at the discretion of the Hearing Chair and must have been previously interviewed by the Investigator(s) or have proffered a written statement or answered written questions as part of the Investigation.

The parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Hearing Chair. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator (or designee) may be present throughout the Hearing, as may other University representatives at the discretion of the Hearing Chair.

The Complainant and Respondent are not required to be present at the Hearing. If a party fails to attend the Hearing, the Hearing may be held in the party's absence at the discretion of the Hearing Chair. For compelling reasons, the Hearing Chair may reschedule the Hearing in their discretion.

Pre-Hearing Meeting

At the Hearing Chair's discretion or at the request of a party, pre-hearing meetings may be scheduled with each of the parties and their Advisors to explain the hearing process and procedures.

In the absence of good cause as determined by the Hearing Chair in their sole discretion, the parties may not introduce witnesses, document or other evidence at the Hearing that were not provided during the Investigation and response process.

Challenging the Appointment of Decision-makers or Hearing Date

Any party may object to the Hearing date or challenge the appointment of Decision-maker(s) for bias or conflict of interest by submitting a written objection detailing the rationale for the objection to the Title IX Coordinator (or designee) as soon as possible and no later than five (5) business days in advance of the Hearing. The Title IX Coordinator (or designee), in their sole discretion, shall determine whether the Decision-maker(s) and/or Hearing Chair should be removed and/or the Hearing rescheduled.

Hearing Location and Disability Accommodations

At the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted in writing to the Title IX Coordinator at least three (3) business days before the Hearing.

Each party may contact the Title IX Coordinator in writing 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 via email to the Hearing Chair that the Hearing Chair will review during any sanction determination.

Documents

All documentary evidence provided to the parties will be made available at the Hearing, as well as all evidence produced by the parties in their response to the draft Investigation Report. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Chair.

Recording

The Hearing will be recorded via audio, audiovisual recording or transcript and will be made available to the parties upon request. Recesses taken by the Hearing Chair, including for the Hearing Chair to consult with the Title IX Coordinator (or designee), Investigator(s) or any other University representative will not be recorded.

Standard of Proof

The Decision-maker(s) will make decisions on responsibility using a preponderance of the evidence standard. Preponderance of the evidence means that it is more likely than not that the Respondent is responsible.

Evidentiary Considerations in the Hearing

Unless the Title IX Coordinator or Decision-maker(s) determine it is appropriate, the Hearing does NOT consider:

1. Incidents not directly related to the alleged violation unless they evidence a pattern;

2. The irrelevant sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or
3. Irrelevant character evidence.

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator or Decision-maker(s) with information about previous good faith allegations and/or findings when that information suggests potential pattern and/or predatory conduct.

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.

Hearing Procedures

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

Introduction

The Hearing Chair explains the procedures and introduces the participants. The Hearing Chair will answer all questions of procedure.

Opening Statements

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

Investigator(s) Summary of the Investigation Report

The Investigator(s) will present a summary of the Investigation Report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) may be present during the entire Hearing but not during the deliberations of the Decision-maker(s).

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations. The Investigator(s), Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Hearing Chair will direct that it be disregarded.

Testimony of Parties

Following the Investigator(s)' summary of the Investigation Report, the Decision-maker(s) will typically hear from the Complainant first, followed by the Respondent. The order will be determined by the Hearing Chair. Each party will have the opportunity to provide relevant information and evidence to the Decision-maker(s). The Decision-maker(s) will ask relevant follow-up questions of each party.

The Hearing Chair is responsible for making all determinations of relevance as to questions and documentary evidence presented at the Hearing. For purposes of the Policy, "relevant" means that the evidence supports or negates any material fact.

Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Decision-maker(s). Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Questions

Decision-makers are the only individuals who may question the parties or witnesses during the Hearing. The parties may ask the Hearing Chair to pose questions or inquire further into specific matters by submitting these in writing. A brief recess may be granted to allow the parties an opportunity to prepare and submit such requests. The Hearing Chair is empowered to disallow any questions that are irrelevant or redundant.

Advisors

Advisors are not permitted to address the Decision-maker(s), examine witnesses or otherwise directly participate in the Hearing on behalf of either party. Advisors 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 Hearing Chair.

An Advisor whose presence is deemed by the Hearing Chair 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 for any other reason, the Hearing Chair shall recess the Hearing until the University appoints an Advisor for purposes of cross-examination.

Testimony of Witnesses

A similar process and the same rules that apply to parties will apply to the testimony of witnesses. Like the parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness. The Hearing Chair will excuse witnesses from the Hearing following their testimony. If a witness is not present for questioning

at a hearing, their interview and/or written statement as part of the Investigation Report may still be used as evidence.

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

The Decision-maker(s) will have up to ten (10) business days to deliberate in closed session to determine whether the Respondent is responsible or not for the policy violation(s) in question. 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 Hearing Chair but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted impact statement(s) from the parties. The Decision-maker(s) 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.

Hearing Outcome Letter

The Title IX Coordinator (or designee) will work with the Hearing Chair to prepare the Hearing Outcome Letter which will be provided to the parties and their Advisors.

The Hearing Outcome Letter will include:

- A description of the allegations that led to the Hearing, as potentially constituting a violation of the Policy.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- A statement of factual findings supporting the determination.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator (or designee) is responsible for implementing such remedies.
- The procedures and permissible bases for the Complainant and Respondent to appeal. See Section 24: Appeals for further information.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

Process B Administrative Resolution for Employee Respondents

Upon completion of the Investigation Report, the Investigator(s) will provide the final report to the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) will designate a Decision-maker to review 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 there exists violation(s) of the Policy or other relevant policies that were listed in the Notice of Allegations and Investigation (NOIA) using the preponderance of 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 appropriate sanctions if appropriate. The determination letter, appeal instructions, sanction letter, and the Investigation Report will be provided to both the Complainant and Respondent.

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.

PROVISIONS APPLICABLE TO PROCESSES A AND B

24. Appeals

Either party may appeal a determination of responsibility (or non-responsibility) as set forth in the Hearing Outcome Letter by submitting a written appeal to the Title IX Coordinator within five (5) business days of the delivery of the Hearing Outcome Letter. As discussed in Section 14: Formal Complaint, each party may also appeal the dismissal of a Formal Complaint alleging Title IX Sexual Harassment.

Appeals are limited to the following grounds:

- A procedural irregularity that significantly impacted the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter. 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 affected the outcome of the matter.

The appeal must be in writing and clearly explain the basis for the appeal. The Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator (or designee) provides. Upon receipt of an appeal, the Title IX Coordinator will notify the other party that an appeal has been filed, permitting the party three (3) business days to provide a response, and providing the parties with the identity of the Appellate Officer(s). The party's response will be provided to the appealing party, but no further exchange of positions is permitted. The other party may also bring their own appeal on separate grounds.

The Title IX Coordinator (or designee) will designate an Appellate Officer or a three-member appeals panel to consider the appeal. Appellate Officer(s) can not have been involved in the process previously. One member of the panel will be designated by the Title IX Coordinator (or designee) as the Appeals Chair.

The Title IX Coordinator will forward the appeal and the other party's response to the Appellate Officer(s) who will evaluate the appeal on the written record and recording of the Hearing, and may seek input from the Title IX Coordinator, Investigator(s) and/or Hearing Chair as deemed appropriate in the Appeal Chair's sole discretion. The Appellate Officer(s) will review the appeal within five (5) business days of completing the pre-appeal exchange of materials and will issue a written decision on the appeal, including the result and a brief rationale. If grounds are not sufficient for an appeal or the appeal is not timely, the Appeal Chair will dismiss the appeal.

When the Appellate Officer(s) finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appellate Officer(s) are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appellate Officer(s) to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeals Chair.

Sanctions imposed as the result of a Formal or Administrative Resolution are stayed until the appeal process concludes unless the Appellate Officer(s) determines a sanction must be implemented immediately for the health and safety of the Complainant and/or campus community.

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

In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in the case of bias), the Appeals Chair may recommend a new investigation and/or Formal or Administrative Resolution process including a new resolution administrator. The results of a new process can be appealed once on any of the three applicable grounds for appeals.

In cases in which the appeal results in the Respondent's reinstatement to Rider University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that this may not be possible in all cases.

25. Sanctions and Remedies

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(s) 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 considered when determining a sanction/responsive action may 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
- Any other information deemed relevant by the Decision-maker(s)

Failure to Complete Sanctions

Respondents are expected to comply with conduct sanction(s) within the timeframe specified by the Title IX Coordinator (or designee). Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect or any other reason, may result in additional sanction(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.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator (or designee).

Long-Term Remedies

Following the conclusion of the resolution process and in addition to any sanctions implemented, 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 (including restoring or preserving equal access to an education program or activity) 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.

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.

Student Sanctions

- a. Discrimination (Level 1 to 4)
- b. Discriminatory Harassment (Level 1 to 4)
- c. Sexual Harassment (Level 1 to Level 4)
- d. Sex Assault (Level 1 to Level 3)
- e. Sex Offenses, Non-Forcible (Level 1 to Level 3)
- f. Dating Violence (Level 1 to Level 3)
- g. Domestic Violence (Level 1 to Level 3)
- h. Stalking (Level 1 to Level 3)

Level 1

1. The student may be expelled from the University indefinitely and possibly permanently.
2. The student must be dismissed for a minimum of one year.
3. As with any other separation from the University, students wishing to return to Rider must re-apply for admission to the Dean of Students. Students found responsible at this level are not entitled to a refund of tuition or housing costs.

Level 2

1. The student may be dismissed from the University for a period not to exceed one year.
2. 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.
3. As with any other separation from the University, suspended students wishing to return to Rider must re-apply for admission to the Dean of Students. In the case of removal from residency, students 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.
4. 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.
5. 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

1. 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.
2. Students found responsible at this level are not entitled to a refund of housing costs.
3. In addition to option “a,” a student may be put on disciplinary probation for a period of time.
4. 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. Note: A violation of the Alcohol Policy at this level requires participation in the Alcohol Education Program.

5. In every case, at this level a fine of not less than \$30 but not greater than \$100 must be imposed. The fine may be per person when appropriate.

Level 4

1. 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.
2. 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. Note: A violation of the Alcohol Policy at this level requires participation in Alcohol Education Program.
3. 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.

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.

26. Withdrawal or Resignation With Unresolved Allegations

Students

If a Respondent withdraws or takes a leave for a specified period of time (e.g. one semester or term) prior to the completion of the resolution process, Rider may place a hold, bar access to an official transcript, bar access to campus, prohibit participation in Commencement, or prohibit that a student be reinstated to take classes until the process is completed. Informal or Formal/Administrative Resolution may continue remotely. Should the Respondent be

found responsible and sanctions imposed, the Respondent is not permitted to return to Rider University unless and until all sanctions have been satisfied.

Should the Respondent permanently withdraw from the University prior to the completion of Informal or Formal/Administrative Resolution, the resolution process ends with a dismissal, as Rider University no longer has disciplinary jurisdiction over the withdrawn student.

Rider University will continue to address and remedy any systemic issues that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination and/or retaliation. The Respondent who withdraws or leaves while the process is pending may not return to Rider University in any capacity. They may also be barred from Rider University property and/or events.

Employees

Should the Respondent resign from the University prior to the completion of Informal or Formal/Administrative Resolution, the resolution process ends with dismissal as Rider University no longer has disciplinary jurisdiction over the resigned employee. The records of the Title IX Coordinator will reflect that status. The University reserves the right to place a letter in the personnel file of the individual indicating they are not to be rehired.

Any Rider University responses to future inquiries regarding employment references for that individual may include the former employee's unresolved status. The Respondent who resigns while the process is pending may not return to Rider University in any capacity. They may also be barred from Rider University property and/or events.

Rider University will continue to address and remedy any systemic issues that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination and/or retaliation.

27. Recordkeeping

Rider University will retain records created in connection with a Formal Complaint for seven (7) years. Such records include those relating to any Informal Resolution, the Investigation, any determination regarding responsibility (including any audio or audiovisual recording or transcript), any disciplinary sanction imposed, any appeal and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity.

Rider University will also document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education program or activity. If the University provides no Supportive Measures to the Complainant, it will additionally document why such a response was not clearly unreasonable in light of all the known circumstances.

28. Training

Any individual serving as Rider University’s Title IX Coordinator, Investigator, Informal Resolution Facilitator, Hearing Decision-maker or Appellate Officer will receive training on the Policy, the scope of Rider University’s education program or activity, how to conduct an Investigation and Formal Resolution (including hearings, appeals and informal resolution, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Further, they will receive training on questions of relevance, and on preparing an Investigative Report, Hearing Outcome Letter or Appeal decision, as appropriate.

29. Revision of the Policy and Procedures

Rider University reserves the right to make changes to the Policy as necessary. Once changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator (or designee) may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party such as to accommodate summer schedules. The Title IX Coordinator (or designee) may also vary procedures materially with notice (on the University’s website with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in the Policy and procedures.

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

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

30. 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.

31. 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.

32. 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.