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Sexual Assault, Misconduct and Violence

Abstract

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Keywords

Sexual Assault, Misconduct, Violence

Return to Campus

A mask mandate is currently in place on campus. Learn more about the University's [health and safety protocols](#) to help protect the campus community from COVID-19 and reduce the spread of the virus.

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Sexual Assault, Misconduct and Violence

Members of the Kean University community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University believes in a zero tolerance policy for gender-based misconduct. This guide has been developed to educate the community and reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This guide is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Definitions and Examples of Misconduct

Forms of gender-based or sexual misconduct include:

- a. **Sexual Harassment:** Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies

or limits someone's ability to participate in or benefit from a Kean University educational program or activity.

- b. **Non-consensual Sexual Contact:** Any intentional sexual touching, however slight and with any object or body part, that is without consent (as defined below) and/or by force or coercion. This includes intentional contact with breasts, buttocks, groin, mouth or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.
- c. **Non-consensual Sexual Intercourse:** Any sexual penetration or copulation, however slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes anal or vaginal penetration by a penis, object, tongue or finger, and oral copulation (mouth and genital/anal contact), no matter how slight the penetration or contact.
- d. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of an individual to benefit anyone other than the person being exploited. Examples include: invading privacy, video or audio recording of sexual acts without consent, knowingly transmitting a sexually transmitted infection (STI), sexually based stalking or bullying, or exposing one's genitals.
- e. **Other Gender-based Misconduct:** Physical harm, extreme verbal abuse or other conduct that threatens the health or safety of any person on the basis of actual, expressed or perceived gender identity, including:
 - i. *Discrimination:* actions that deprive others of access, benefits or opportunities based on irrelevant criteria
 - ii. *Hazing:* acts likely to cause physical or psychological harm or social exclusion or humiliation
 - iii. *Bullying:* repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or degrade another person physically or mentally
 - iv. *Intimate Relationship Violence:* violence between those in a sexual and/or comparably personal and private relationship
 - v. *Stalking:* repetitive and/or menacing pursuit, following, harassment or other interference irrelevant criteria hurt, control or degrade another person physically or mentally personal and private relationship with the peace and/or safety of another person or that of his or her immediate family members

(This information is adapted from the ATIXA Gender-based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011.)

What is Consent?

Consent is defined as permission to act. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and the conditions of) sexual activity.

Consent must meet all of the following standards:

- Active, not passive. Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent
- Given freely. A person cannot give consent under force, threats or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he or she does not want to engage in the behavior
- Provided knowingly. Legally valid consent to sexual activity cannot be given by:
 - A person under the legal age to consent. In New Jersey, the age of consent is 16, but individuals who are at least 13 years of age can legally engage in sexual activities if the defendant is less than four years older than the victim, or
 - An individual who is known to be (or based on the circumstances should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, or use of alcohol or other drugs
 - A person under the legal age to consent. In New Jersey, the age of consent is 16, but individuals who are at least 13 years of age can legally engage in sexual activities if the defendant is less than four years older than the victim, or
- Specific. Permission to engage in one form of sexual activity does not imply permission for another activity. In addition, previous relationships or prior consent do not imply consent to future sexual acts. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent may be requested and given several times by multiple parties during a sexual encounter involving multiple acts

(This information is adapted from the ATIXA gender-based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011).

Title IX Compliance

Here at Kean University, the Title IX coordinator shall oversee the University's investigation and response to reports of sexual misconduct. Students who wish to report a complaint relating to offenses of this nature may do so at

<https://publicdocs.maxient.com/incidentreport.php?KeanUniv>.

The following offices may also be contacted directly:

Office of Community Standards and Student Conduct

Miron Student Center, room 317

(908) 737-5240

Students with complaints of this nature also have the right to file a formal complaint with the U.S. Department of Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: (800) 421-3481

TDD: (877) 521-2172

Fax: (202) 453-6012

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Campus and Community Resources

Kean University is very concerned about incidents of gender-based or sexual misconduct and acknowledges that each person experiences and responds in differing ways, so there are a variety of formal and informal options for support. Please review the information pertaining

to your options for support, assistance and reporting so that you can make an informed decision based on your personal needs. Your needs may change over time, so please also know that you may choose to utilize different forms of response at different times.

If you have experienced any act of sexual misconduct, our first concern is for your safety and well-being. Kean University offers some campus resources to assist students who may have been affected by sexual violence or sexual misconduct. Additional services are available off campus through local communities. Individuals are encouraged to utilize any and all campus and community resources that may be of assistance to them.

- **Kean University Police**: If you feel your safety is threatened or would like to report this incident to the police, please contact Campus Police at (non-emergency)(908) 737-4800 and (emergency) 911. Campus Police are located in Downs Hall
- **Kean Counseling Center**: If at any point in time you feel as though you need to talk to someone about the incident you were involved in, the Counseling Center provides free counseling services to all Kean students. You can reach the office at (908) 737-4850 during business hours or go directly to their office in Downs Hall
- **Office of the Vice President of Student Affairs**: If you need assistance with changing your schedule or are not sure of what assistance you may need, please contact the Office of the Vice President of Student Affairs at (908) 737-4080. They are located in Room 124 of Kean Hall
- **Office of Residential Student Services**: If you have concerns about the safety of your living environment or have questions about changing rooms, please contact the Office of Residential Student Services at (908) 737-6800. You are also encouraged to contact the residence hall director or resident assistant in your residence hall if you need any form of assistance. Residential Student Services is located in Whiteman Hall
- **Kean Health Services**: Health Services can assist you with any health concerns you have or if you need to be seen by a doctor. This office can also provide you with information about medical leaves of absence. They can be reached at (908) 737-4880. Please note that if you have a medical emergency you should contact 911. Health Services is located in Room 126 in Downs Hall.
- **Student Support Advocate**: Health Services provides confidential advocacy services to students who have experienced sexual assault, sexual harassment, domestic violence, or other gender-based or sex-based harassment or violence. Kean University's Student Support Advocate is exempt from the duty to report incidents of sexual misconduct to University administrators or to law enforcement, and will only facilitate the reporting of an incident of sexual misconduct with the student's consent. The Student Support Advocate

will provide support and facilitate services and resources, including counseling and academic and housing accommodations. The Advocate will explain administrative policies and procedures as well as the role of law enforcement. Students who wish to speak to an advocate should contact Health Services at (908) 737-4880 or email hsnurses@kean.edu

Employees may contact the Employee Assistance Program (EAP) at (908) 497-3954 for access to confidential resources.

The following off-campus resources are not managed by Kean University but may be helpful to you in assisting you with a variety of needs that you may have beyond those resources that are provided by University:

Alcohol and Drug Treatment Centers

Trinitas Health

Substance Abuse Services

655 East Jersey St.

Elizabeth, NJ 07206

(908) 994-7090

Hotline: (908) 351-6684

Summit Oaks Hospital

19 Prospect St.

Summit, NJ 07901

(908) 522-7000

(800) 753-5223

Overlook Hospital

Addictive Services

46-48 Beauvoir Ave.

Summit, NJ 07901

(908) 522-4800

St. Barnabas Medical Center

94 Old Short Hills Rd.

Livingston, NJ 07039

(973) 322-5000

Social Service Resources

Union County Rape Crisis Center

(908) 233-7273

Project Protect – Battered Women Hotline

(908) 355-HELP

24-hour hotline – Domestic Violence

(908) 355-4357

24-hour hotline – N.J. Coalition Against Sexual Assault

(800) 601-7200

YWCA of Eastern Union County

(908) 355-1500

Victim/Witness Advocacy

(908) 527-4596

Addiction Line of New Jersey

(800) 322-5525

National Council on Alcoholism and Drug Dependence of N.J.

(908) 354-5638

The Self-Help Clearing House

(800) 367-6274

NJ Only: (973) 989-1122

Local Hospitals Directory

Trinitas Hospital

225 Williamson Street

Elizabeth, NJ 07207

Main No.: (908) 994-5422

Emergency Room: (908) 994-5100

Patient Information: (908) 994-5100

UMDNJ Hospital

150 Bergen Street

Newark, NJ 07103

Main No.: (973) 972-4300

Emergency Room: (973) 972-4123

Patient Information: (973) 972-4040

St. Barnabas Medical Center

94 Old Short Hills Road

Livingston, NJ 07039

Main No.: (973) 322-5000

Emergency Room: (973) 322-5180

Patient Information: (973) 322-8000

Overlook Hospital

99 Beauvoir Avenue

Summit, NJ 07902

Main No.: (973) 522-2000

Emergency Room: (973) 522-2232

Patient Information: (973) 522-2100

Emergency Telephone Locations

1. D'Angola Gymnasium - rear of building facing playing fields
2. D'Angola Gymnasium - side of building facing Woodland Ave.
3. Campus School West - side of building facing Service Road
4. Burch Hall/ Whiteman Halls - walkway between these two buildings
5. Hutchinson and Hennings - sidewalk next to parking lot
6. Kean Hall Parking Lot - middle of parking lot
7. Downs Hall - walkway path to residence halls
8. Wilkins Theatre (TPA) - side of building facing Vaughn Eames
9. Miron Student Center - side of building facing library walkway
10. Library - side of building facing Brook/Wilkins
11. Industrial Technology Bldg. - front entrance facing Brook/CAS
12. East Campus - side entrance facing Upper Parking Lot
13. East Campus - back of building facing Lower Parking Lot
14. Science Bldg. - Room 155
15. Science Bldg. - Room 249
16. Science Bldg. - Room 309
17. Bruce Hall - Room 115
18. Bruce Hall - Room 215
19. Vaughn Eames Lot - sidewalk (middle of lot)
20. Vaughn Eames Lot - rear of Lot
21. Vaughn Eames Lot - sidewalk by Guardhouse
22. Freshman /Upperclass Hall - walkway between Freshman Hall and Bartlett Hall

Reporting Options

Report Confidentially

If you wish that your identity and the details of an incident be kept confidential, you may find it helpful to speak with the counselors in the Counseling Center (DH127) or the health services providers (DH126) who can maintain confidentiality. These services are available to students free of charge, and students can be seen on an emergency basis. You may wish to consider this option if you:

- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or campus disciplinary procedures, or
- Do not want the perpetrator to know that you are seeking help or support

NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or sexual abuse of a minor

Reporting to Those Who May Maintain the Privacy of What You Share

You can seek advice from individuals who are not required (but may still choose) to share your private, personally identifiable information unless there is cause for fear for your or another person's safety. These individuals consist of those without supervisory responsibility or remedial authority to address sexual misconduct such as faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel and many others. As University employees may fulfill multiple roles, if you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and help you make decisions about who can help you best.

Please be aware that these individuals may choose to share your personally identifiable information if they feel they need to in order to best assist you. If information about your identity is shared, it will only be as necessary with as few people as possible, and all efforts will be made to protect your privacy. Please be aware that some of these individuals may need to report non-identifying information for statistical purposes. For example, advisors to student groups need to report if an incident occurred on campus, but they not necessarily need to share your name or identity as part of that report. You may wish to consider this option if you:

- Are not sure if you want to pursue criminal or campus action, but have questions

- Would like your experience reflected in the annual statistics about incidents about crimes that occur on or near Kean's campus
- Would like assistance in taking some action yourself, such as switching to a different section of an instructor's course or seeing a different advisor
- Would like someone to help mediate a conversation between you and the other person

Formal/Non-confidential reporting options

Kean University wishes to investigate and address gender-based and sexual misconduct. You are encouraged to make formal reports of incidents to designated campus officials (campus police, student conduct officers, human resources staff, deans, directors or other administrators with supervisory responsibilities). Reporting to them is considered official notice to the institution. By reporting formally, you have the right to expect to have your report taken seriously by the institution and to have it investigated and properly resolved through administrative procedures. Formal reporting also means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, the accused individual(s) and advisor(s), or other such persons involved in the processes. Please be aware that if you file a formal report, your name and the relevant reported information will be known to the individual, and will appear in writing in the investigation report. This also means that the case may proceed to a student conduct hearing or other formal process through the University.

You may wish to consider this option if you:

- Would like formal action taken. Formal action can include things like assistance in obtaining a restraining order or order of protection, filing criminal charges, or the individual facing campus conduct or employment action if he or she is found responsible for violating University policy
- Would like the University to be aware of the situation in case it happens again

If you would like to learn more about the campus conduct process or what is involved in an investigation or formal report, please contact Community Standards and Student Conduct (x75240) or the Office of the Vice President of Student Affairs.

Reporting Sexual Assaults

Victims may go directly to Police Headquarters in Downs Hall, or call Police Headquarters directly at (908) 737-4800. Counseling referrals and medical attention are given priority along with a thorough investigation of the complaint. In case of a rape, the Union County Rape Crisis Center (908) 233-7273 may be contacted to assist the victim through the interview and medical procedures. University police officers also receive specialized training in rape and sex crime investigative techniques and victim assistance. The investigating officer will advise the victim of options available if the victim chooses to file a criminal complaint.

Safe Places for Reporting Allegations of Sexual Assault

1. Department of Public Safety and Police - Downs Hall, (908) 737-4800
2. Counseling Center - Downs Hall 127, (908) 737-4850
3. Health Services - Downs Hall 126, (908) 737-4880
4. Office of the Vice President for Student Affairs - Kean Hall 124, (908) 737-7080
5. Office of Residential Student Services - Whiteman Hall, (908) 737-6800
6. Affirmative Action Office - Townsend 133, (908) 737-3330
7. Office of Community Standards and Student Conduct - Miron Student Center 317, (908) 737-5240

The University works closely with the Union County Rape Crisis Center. The center may be contacted directly by calling (908) 233-RAPE (7273). The center is located at 300 North Avenue, (East) Westfield, NJ 07090.

Campus No-Contact Orders

The Vice President for Student Affairs may impose a campus-wide No Contact Order on an accused student when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining the expected behavior including face-to-face contact, correspondence, email, instant message, text or telephone. Friends and relatives may also be prohibited from contact on behalf of the accused student.

Campus No Contact Orders may be issued as a sanction or outcome and may also be issued on an interim basis while an incident is under investigation or adjudication. It is important to note that the burden of proof for a campus No Contact Order is often less than that required

for a court-issued order, and the consequences for violating it are also limited to action that can be taken by the University, such as an additional student conduct charge of failure to comply with a University official.

Resources

STEP UP

STEP UP is a pro-social behavior and bystander intervention program that educates students to be proactive in helping others. Teaching people about the determinants of pro-social behavior makes them more aware of why they sometimes don't help. As a result, they are more likely to help in the future.

The goals of STEP UP are to:

- Raise awareness of helping behaviors
- Increase motivation to help
- Develop skills and confidence when responding to problems or concerns
- Ensure the safety and well-being of self and others

To learn more about STEP UP, please visit <http://stepupprogram.org/>.

Publications

A Resource Guide for Students on Sexual Misconduct: Campus Policies, Procedures and Services - click [here](#).

Questions?

Please contact the Office of the Vice President for Student Affairs at (908) 737-7080 or the Student Conduct Officer at (908) 737-5240 for the most recent version of this Guide, as well as to ask questions about this document or any other questions pertaining to sexual misconduct or gender-based harassment.

Acknowledgements: The Kean University Office of Community Standards and Student Conduct would like to acknowledge the work of Harper College police department. Their resource guide was used as a basis for some material.

Policies

Division of Student Affairs

Kean University

1000 Morris Avenue
Union, New Jersey 07083

908-737-KEAN (5326)

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