

**The College of New Jersey  
Board of Trustees**

**Thursday, April 22, 1999  
106 Loser Hall  
Minutes of Public Board Meeting**

Present: Robert Gladstone, Chair; Mr. Bruce Hasbrouck, Vice Chair (via telephone); Dr. Carla Enriquez; Mr. Thomas Bracken; Mr. James Harkness; Ms. Patricia Rado; Mr. Walter Chamber; Mr. Jeffrey Perlman; Mr. Michael DelBene, Student Trustee; Ms. Samantha Rozycki, Alternate Student Trustee; Dr. R. Barbara Gitenstein, President; Dr. Donald Brown, Faculty Representative to the Board

Not Present: Dr. Al Cho; Mr. Jose Sosa; Mr. Harry Reichard; Mrs. Barbara Pelson; Mr. Robert Kaye; Dr. John Karsnitz, Faculty Representative to the Board

I. Announcement of Compliance

Mr. Gladstone announced that the requirements of the Open Public Meetings Act concerning public notice of this meeting had been met.

II. New Business

A. Report of the Finance and Construction Committee

1. Resolution of the Board of Trustees of The College of New Jersey Authorizing Increased Construction Costs for the Construction of a New School of Business Building and the Construction of a New Social Sciences Building and the Renovation and Addition to Bliss Hall and the Exterior Renovation and Addition to Travers Wolfe Residence Halls in Connection with the Issuance of Bonds by the New Jersey Educational Facilities Authority (Attachment A)

It was moved by Mr. Bracken, seconded by Mrs. Rado that the resolution be approved. The motion carried unanimously.

2. Resolution Approving the Purchase of Property from the New Jersey Department of Transportation (Attachment B)

It was moved by Mr. Bracken, seconded by Mr. DelBene that the resolution be approved. The motion carried unanimously.

3. Resolution Approving Bid Waivers for College Business Purposes: Printing and Publications (Attachment C)

It was moved by Mr. Bracken, seconded by Mr. Harkness that the resolution be approved. The motion carried unanimously.

4. Resolution Approving Bid Waivers for College Business Purposes: Professional and Other Services (Attachment D)

It was moved by Mr. Bracken, seconded by Mrs. Rado that the resolution be approved. The motion carried unanimously.

5. Resolution Approving Bid Waivers for Construction Contracting Purposes (Attachment E)

It was moved by Mr. Bracken, seconded by Mrs. Rado that the resolution be approved. The motion carried unanimously.

#### B. Report of the College Relations Committee

1. Resolution Approving The College of New Jersey's Americans with Disabilities Act Policy (Attachment F)

It was moved by Mr. Harkness, seconded by Mr. DelBene that the resolution be approved. The motion carried unanimously.

2. Resolution Approving Changes to The College of New Jersey Policy Against Discrimination and Sexual Harassment (Attachment G)

It was moved by Mr. Harkness, seconded by Mr. DelBene that the resolution be approved. The motion carried unanimously.

#### III. Adjournment

Be It

Resolved: That the next public meeting of the college of New Jersey Board of Trustees will be held on Thursday, June 24, 1999 at a time and location to be announced.

Be It

Further

Resolved: That this meeting be adjourned.

Respectfully submitted,

Barbara Pelson  
Secretary

**Resolution of the Board of Trustees of The College of New Jersey  
Authorizing Increased Construction Costs for the  
Construction of a New School of Business Building and  
the Construction of a New Social Sciences Building and the Renovation and  
Addition to Bliss Hall and the Exterior Renovation and Addition to Travers Wolfe  
Residence Halls in Connection With the Issuance of Bonds By the  
New Jersey Educational Facilities Authority**

Whereas: The Board of Trustees of The College of New Jersey has heretofore, by resolutions adopted on December 11, 1997, June 25, 1998 and December 10, 1998 (collectively, the "Prior Resolutions"), approved the construction of a new School of Business Building, the construction of a new Social Sciences Building and the renovation and addition to Bliss Hall (collectively, the "1999 Educational Facilities Project") at a combined construction cost of \$30,000,000, and approved the exterior renovation and addition to Travers Wolfe Residence Halls (the "1999 Student Housing Project") at a total construction cost of \$21,274,400; and

Whereas: The Board of Trustees of The College of New Jersey desires to increase the combined construction costs for the 1999 Educational Facilities Project and the 1999 Student Housing Project to \$54,000,000.

Now, Therefore,  
Be it Resolved:

Section 1. That the Board of Trustees of The College of New Jersey reaffirms its recommendation and approval of the 1999 Educational Facilities Project and the 1999 Student Housing Project, as heretofore set forth in the Prior Resolutions.

Section 2. That the combined construction costs of the 1999 Student Housing Project and the 1999 Educational Facilities Project shall not exceed \$54,000,000.

Section 3. That the Board of Trustees of The College of New Jersey hereby designates Thomas Bracken to act as Secretary in the absence of the elected Secretary and is authorized to affix the seal and attest thereto on all agreements to be entered into in connection with the financing and/or refinancing of all projects included in The College of New Jersey Issue, Series 1999A.

Section 4. That all Resolutions, orders and other actions of The College of New Jersey Board of Trustees in conflict with the provisions of this resolution to the extent of such conflict are hereby superseded, repealed and revoked.

Section 5. That this Resolution shall take effect immediately.

**Resolution Approving the Purchase of Property From  
The New Jersey Department of Transportation**

- Whereas: The College of New Jersey continues to make a concerted effort to implement the Property Acquisition Plan as outlined in the Long Range Financial Plan dated May 1988 and in the Institutional Plan dated July 1994 to June 1999; and
- Whereas: The College of New Jersey has had a long term lease with the New Jersey Department of Transportation; and
- Whereas: The New Jersey Department of Transportation has agreed to sell 24.1 acres of land to The College of New Jersey for the sum of \$183,960; and
- Whereas: The College has evaluated its options and has determined that the purchase of the land is advantageous in the long term and will allow The College additional flexibility; and
- Whereas: The College is committed to the plan being forwarded by the Greenway Committee to establish a multi-use triangular greenway trail which will link Rider University, Notre Dame High School and The College of New Jersey and which a portion of the purchased land will be used for; and
- Therefore Be  
It Resolved: That the Board of Trustees of The College of New Jersey approves the purchase of this land, using The College's capital reserves, from the New Jersey Department of Transportation and authorizes the president or her designee to sign all documents necessary to complete this sale in the amount of \$183,960.

RESOLUTION APPROVING WAIVERS  
OF ADVERTISING  
FOR COLLEGE BUSINESS PURPOSES  
(Printing and Publications)

WHEREAS: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$17,700, and

WHEREAS: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

WHEREAS: Waiver requests have been reviewed and are recommended by the Finance and Construction Committee, a subcommittee of The College of New Jersey Board of Trustees,

NOW, THEREFORE, BE IT RESOLVED: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

VENDOR	PURPOSE	FUNDING SOURCE
Braceland Brothers \$26,921.73	Printing of the <b>TCNJ Undergraduate Bulletin</b>	College Operating

RESOLUTION APPROVING WAIVERS  
OF ADVERTISING  
FOR COLLEGE BUSINESS PURPOSES  
(PROFESSIONAL AND OTHER SERVICES)

WHEREAS: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$17,700, and

WHEREAS: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

WHEREAS: Waiver requests have been reviewed and are recommended by the Finance and Construction Committee, a subcommittee of The College of New Jersey Board of Trustees,

NOW, THEREFORE,  
BE IT RESOLVED: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

<b>VENDOR</b>	<b>PURPOSE</b>	<b>FUNDING SOURCE</b>
Hotel Carlton \$24,000.00	Room and board accommodations for summer program in Italy	Self Funded

April 22, 1999

**RESOLUTION APPROVING WAIVERS  
OF ADVERTISING  
FOR CONSTRUCTION CONTRACTING PURPOSES**

**WHEREAS:** State College Contracts Law permits waivers of advertising for specified purchases in excess of \$17,700, and

**WHEREAS:** The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

**WHEREAS:** Waiver requests have been reviewed and are recommended by the Finance and Construction Committee, a subcommittee of The College of New Jersey Board of Trustees,

**NOW, THEREFORE,  
BE IT RESOLVED:** The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

<b>VENDOR</b>	<b>PURPOSE</b>	<b>FUNDING SOURCE</b>
GBQC \$60,950.00	Library Consulting Services	College Reserves to be Reimbursed from the Governor's Proposed Higher Education Capital Improvement Fund

**Resolution Approving The College of New Jersey's  
Americans with Disabilities Act Policy**

Whereas: It is the policy of The College of New Jersey to provide equal opportunity for employment as well as equity of conditions for employees and students without regard to disability; and

Whereas: The College's Quality of Campus Life Committee has developed and approved the attached policy, while seeking input from The College Community, and adhering to the state and federal laws guiding such policy development.

Therefore,  
Be It

Resolved: That the Board of Trustees of The College of New Jersey adopts the Americans with Disabilities Act Policy effective April 22, 1999.

April 22, 1999



# The Americans With Disabilities Act (ADA) Policy

## Policy Statement

The College of New Jersey is committed to ensuring equal opportunity and access to all members of the campus community in accordance with Section 503/504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The College prohibits discrimination against any student, employee, or applicant on the basis of physical or mental disability, or perceived disability. The College will provide reasonable and appropriate accommodations to enable employees and students to participate in the life of the campus community. Individuals with disabilities are responsible for reporting and supplying documentation verifying their disability. Requests for accommodations must be initiated through the Office For Differing Abilities.

The overall responsibility for The College's equal opportunity program has been assigned to the Director of Equal Opportunity and Affirmative Action. The ultimate responsibility for accomplishing The College's objectives depends on the understanding, acceptance, support and involvement of all members of The College of New Jersey community.

## ADA Definition of Disabled

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least any one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment
3. He or she is regarded as having such an impairment.

Persons with disabilities at TCNJ are encouraged to visit the Office For Differing Abilities to identify suitable accommodations and services. Any questions, difficulties, or concerns should be referred to the Office For Differing Abilities as soon as possible.

## Notification Requirements and Service Criteria

- **Self-Disclosure** - All students and employees seeking accommodation under section 504 of the Rehabilitation Act of 1973 et seq. or the Americans with Disabilities Act must self-identify with the Office For Differing Abilities. For accommodations, a written requisition must be submitted to this office.
- **Documentation** - It is the responsibility of students and employees to submit documentation of physical or learning disabilities from qualified and licensed medical or testing personnel. Expenses incurred in obtaining the professional verification are the individual's responsibility. The following documentation criteria should be used in forwarding assessments to the Office For Differing Abilities for disabilities verification:

### Physical, Sensory, and Health-Related Disabilities

1. Verification of the disabling condition must be obtained from a licensed health care professional that is qualified and currently or recently associated with the individual.
2. The diagnosis must reflect the present level of functioning of the major life activity affected by the disability.

### Psychological Disorders or Attentional Disorders

1. Verification of diagnosis and severity of disabling condition from a qualified professional (e.g., psychiatrist for ADD/ADHD, psychologist or psychiatrist for other psychological disorders).
2. A detailed description of how this impairment significantly limits a major life activity in an educational setting (for students) should be provided.

### Learning Disabilities

1. A professional qualified to diagnose a learning disability (e.g., a licensed psychologist, learning disabilities specialist, neuropsychologist), must prepare the evaluation. Collaboration with speech and language clinicians, reading specialists and other educational professionals may be appropriate and necessary for a comprehensive assessment.
  2. Results of a clinical interview with the individual and descriptions of testing procedures, instruments used, test and sub-test results reported in standard scores should be included.
  3. Evaluations must be comprehensive and include test results in the following areas, where applicable: intelligence, reading, mathematics, spelling, written language, language processing and cognitive processing skills. Testing should carefully examine areas of concern/weakness as well as areas of strengths.
  4. A clear diagnostic statement based on test results and personal history must be included.
  5. An evaluation should be no more than three years old. This requirement may be waived if deemed not medically necessary.
- **Employee/Student Responsibilities** - Employees and/or students with disabilities are obligated to utilize all adjustments and/or accommodations properly and responsibly.

## **Reasonable Accommodation**

### Students

“Each institution of higher learning is a unique environment and the ADA is designed to allow for individual responses to the needs of students and the public. *What may be a successful accommodation in one setting may not be appropriate or required in another. The ADA does not seek to change fundamental methods of ensuring a sound education and successful completion of an academic*

*program.* It is designed to ensure that students with disabilities have an equal opportunity to access academic programs and successfully complete their studies."  
(ADA Compliance Guide, 1990)

The Office For Differing Abilities coordinates services for students with permanent disabilities including assistance in registration, advisement, parking, referrals, adapted classroom activities and other special needs. It is the responsibility of the student to identify him/herself as disabled and to request assistance from this office. The College does **not** provide specialized tutors or individual assistants for students.

Academic requirements for majors may be examined for modification based upon the submission of appropriate documentation. Requests to modify academic requirements must be made to the Office For Differing Abilities.

## **Employees**

The College of New Jersey has adopted the following as established by the U.S. Equal Employment Opportunity Commission:

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting/modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

## **Undue Hardship**

For the purposes of this document, The College applies the ADA definition of “undue hardship” as an action requiring significant difficulty or expense. Factors to be considered in determining undue hardship may include, but are not limited to:

- the cost of the accommodation required under ADA;
- the financial resources of the facility involved in the provision of the reasonable accommodation;
- the number of students and/or employees involved;
- the financial impact on the facility;
- the impact on the operation and geographic, physical, administrative, or fiscal relationship of the facility in question.

## **ADA Appeals and Complaints**

Appeals related to the provision of reasonable accommodations by The College may be directed to the Office For Differing Abilities or the Equal Opportunity and Affirmative Action Office. All ADA complaints are considered to be allegations of discrimination and therefore must be filed with the Director, Equal Opportunity & Affirmative Action, Green Hall, Room 209. Please refer to the Equal Opportunity Policy and follow its complaint process and procedure guidelines.

## **Outside Agencies**

### Students may file complaints with:

New Jersey Division on Civil Rights  
140 E. Front Street, 6<sup>th</sup> Floor  
P.O. Box 089  
Trenton, NJ 08625  
(609) 292-4605

Office for Civil Rights, New York Office  
United States Department of Education  
75 Park Place, 14<sup>th</sup> Floor  
New York, NY 10007-2146  
(212) 637-6466; TDD (212) 637-0478

### Employees may file complaints with:

New Jersey Division on Civil Rights  
140 E. Front Street, 6<sup>th</sup> Floor  
P.O. Box 089  
Trenton, NJ 08625  
(609) 292-4605

U.S. Equal Employment Opportunity Commission  
Philadelphia District Office  
21 South 5<sup>th</sup> Street, 4<sup>th</sup> Floor  
Philadelphia, PA 19106  
(215) 451-5800; TDD (215) 451-5814

**Resolution Approving Changes to The College of New Jersey Policy  
Against Discrimination and Sexual Harassment**

Whereas: It is the policy of The College of New Jersey to provide equal opportunity for employment as well as equity of conditions without regard to race, color, religion, creed, sex, ancestry, national origin, marital status, affectional or sexual orientation, age, disability, or liability for service in the Armed Forces of the United States; and

Whereas: The College also maintains a commitment to a campus free of sexual harassment.

Therefore,  
Be It

Resolved: That the Board of Trustees of The College of New Jersey adopts the revised Equal Employment Opportunity/Affirmative Action Policy Statement effective April 22, 1999; and

## **THE COLLEGE OF NEW JERSEY POLICY AGAINST DISCRIMINATION AND SEXUAL HARASSMENT**

It is the policy of The College of New Jersey to provide equal opportunity in employment and education, as well as equity of conditions for employment and education to all employees, students and applicants, without regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, disability, nationality or liability for service in the Armed Forces of the United States.

Inquiries regarding compliance with Title IX of the Educational Amendments of 1972, Title VII of the 1964 Civil Rights Act, Age Discrimination in Employment Act and New Jersey Law Against Discrimination should be directed to the Equal Opportunity and Affirmative Action (EO/AA) Office.

Those inquiries regarding compliance with the Americans with Disabilities Act of 1990 or Section 504 of the Rehabilitation Act of 1973 should be addressed to the Office of Differing Abilities. Discrimination complaint procedures are available in both offices, the Student Handbook, and the EO/AA Homepage.

### **I. POLICY AGAINST DISCRIMINATION:**

The College of New Jersey seeks to maintain a positive learning and work environment for its students and employees. Such an environment can only exist if all members of the campus community treat each other with respect. The College, therefore, prohibits illegal discrimination, including harassment, based on another person's status. Status refers to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, disability, nationality or liability for service in the Armed Forces of the United States. Discrimination in terms, conditions or privileges of employment or discrimination in academic enrollment, assignment, grade or the conferral of any academic or college-related benefit violates college policy.

It is the responsibility of all faculty, staff, and students to strive to create a campus community free of all forms of discrimination. This policy therefore applies to all employees and students.

Reporting - Anyone who encounters discrimination is urged to report incidents to the Equal Opportunity and Affirmative Action Office as soon as possible. Late reporting may impede The College's ability to conduct a proper investigation. Members of the campus community who may witness discrimination of another individual are also urged to bring the incident to the attention of the Affirmative Action Officer. Faculty and staff who receive reports of discrimination from a student must refer the student to the Affirmative Action Officer. Supervisors who receive reports from subordinates must refer the employee to the Affirmative Action Officer.

Because of The College's obligation to address discrimination when it occurs, under certain circumstances, The College may exercise its right to initiate an investigation even though the alleged victim is unwilling to pursue a complaint.

Confidentiality - Complaints filed with the Equal Opportunity and Affirmative Action Office will be handled with sensitivity throughout the process. Confidentiality will be maintained to the extent possible.

Retaliation - Retaliation against an individual for reporting discrimination or for participating in an investigation is prohibited by college policy, and state and federal law. Retaliation is a serious violation which may subject the offender to sanctions, regardless of whether the discrimination complaint has been substantiated.

Groundless or Malicious Allegations - It is a violation of this policy for anyone to knowingly make false accusations of discrimination. Failure to prove a claim of discrimination, however, is not equivalent to making a false accusation. Sanctions may be imposed for making groundless or malicious accusations of discrimination.

Sanctions - Sanctions for employees who violate this policy include oral reprimand, written reprimand, suspension (with or without pay) and dismissal. For students, sanctions include warning notice, probation, suspension or expulsion.

## **II. POLICY AGAINST SEXUAL HARASSMENT:**

The College supports the following American Council on Education (December 1986) statement on sexual harassment:

"The educational mission of a college or university is to foster an open learning and working environment. The ethical obligation to provide an environment that is free from sexual harassment and from the fear that it may occur is implicit. The entire collegiate community suffers when sexual harassment is allowed to pervade the academic atmosphere through neglect, the lack of a policy prohibiting it or the lack of educational programs designed to clarify appropriate professional behavior on campus and to promote understanding of what constitutes sexual harassment. Each institution has the obligation, for moral as well as legal reasons, to develop policies, procedures, and programs that protect students and employees from sexual harassment and to establish an environment in which such unacceptable behavior will not be tolerated.

Taking preventative steps help shield the institution from potential liability as well as address legitimate constituent concerns."

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment, whether between people of different sexes or the same sex, is defined as:

1) Quid Pro Quo Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of such conduct is made a condition of employment, academic evaluation or the conferral of any work or college benefit. It involves an implicit or explicit threat that if

the employee or student does not accede to the sexual demands of someone in authority he or she will suffer adverse consequences.

2) Hostile Environment Harassment - Unwelcome conduct that would not have occurred but for the gender of the employee or student that is severe or pervasive enough to make a reasonable person of the same sex believe that the conditions of employment or the student's education are altered and the employment or academic environment is hostile or abusive. The complained-of conduct need not be sexual in nature to constitute hostile environment sexual harassment.

Although quid pro quo harassment, by definition, requires that the harasser be someone in a position of authority over the student or employee, hostile environment harassment can occur when anyone in the campus community, including students, harasses another person. An individual's intent or lack of intent to harass is not relevant to the determination of whether harassment has occurred.

Examples of Sexual Harassment are:

1. Physical assault;
2. Suggestions that submission to or rejection of sexual advances will affect an individual's employment conditions, promotion, grades, receipt of financial aid or letters of recommendations;
3. Persistent unwelcome flirtation and/or sexual advances;
4. Repeated insults, humor, jokes or anecdotes that belittle or demean an individual's sex;
5. Unnecessary touching, such as patting, pinching, hugging or repeated brushing against an individual's body;
6. Direct sexual propositions;
7. Repeated insults or abusive treatment directed at an individual because of his or her gender.

Consensual Relationships - Consensual romantic and sexual relationships between students and faculty or staff are strongly discouraged. No person involved in a romantic or sexual relationship with a student shall have responsibility for evaluating the academic performance or for making decisions regarding a student's rights or benefits because of the inherent conflict of interest. Persons who fail to divest themselves of the responsibility may be subject to disciplinary action. Such relationships may become the basis for serious charges of sexual harassment. These relationships may also appear to others as exploitative, even if the parties view their relationship as consensual.

## **CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS**

*(Pursuant to NJSA 18A, Chapter 61E)*

### **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. In creating a community free from violence, sexual assault and non-consensual sexual contact, respect for the individual and human dignity are of paramount importance.

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 sexual 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 any 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 crimes
  - 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
- to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted.

## **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 to implement the Bill of Rights 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 in 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.

[Revised policy adopted by the Board of Trustees, April 22, 1999]