

# Your Right to File a Complaint of Sexual Misconduct with NJIT Police Department and/or Title IX

A Complainant has the option to report incidents of sexual misconduct to law enforcement authorities. A Complainant who wishes to report an incident to law enforcement may seek assistance from the Title IX Coordinator or NJIT Police Department directly. In some cases, NJIT Police will be required to share information with the Title IX Coordinator.

Below is a snapshot of your rights and options through NJIT's Title IX process as well as NJIT Police.

RIGHTS AND OPTIONS FOR THE COMPLAINANT		
File a criminal complaint with NJIT Police Department or seek assistance filing a complaint with the jurisdiction that the incident occurred.	✓	
Receive assistance a Temporary Protective Order against the Respondent (suspect/defendant) with the jurisdiction that the incident occurred.	✓	
Request that law enforcement provide transportation to a safe place, such as a shelter, or a family or friend's residence.	✓	
Seek immediate medical treatment at a hospital near NJIT and assist you with connecting with a Sexual Assault Nurse Examiner to preserve possible DNA evidence.	✓	
Request supportive measures such as changes in academic schedule, on-campus housing, or excusals for class.		✓
Request that NJIT investigate the claim(s).		✓
Request that NJIT take disciplinary measures against the Respondent.		✓
Request a No Contact Directive for the Respondent while at NJIT.		✓
Receive assistance seeking counseling services.	✓	✓

**To file a complaint with NJIT Police Department:**  
 Call 973-596-3111 or for Emergencies, Dial 9-1-1 and say NJIT and your location.  
 154 Summit Street

**To file a complaint with Title IX:**  
 Call 973-596-3466  
 Email [titleix@njit.edu](mailto:titleix@njit.edu)  
 submit a report online at [njit.edu/titleix](http://njit.edu/titleix)



# HOW NJIT HANDLES A REPORT OF SEXUAL MISCONDUCT INVOLVING STUDENTS


Sexual Assault • Sexual Harassment • Stalking • Dating/Domestic Violence

NJIT prohibits sexual harassment, sexual assault, domestic violence, dating violence, and stalking. NJIT also prohibits retaliation against any persons who, in good faith, reports sexual misconduct or who participates/refuses to participate in an investigation or resolution process.

## What happens if sexual misconduct is reported to Title IX?

The Title IX Coordinator will contact the student to provide the following information:

- Explain the student's rights and options
- Provide options for supportive measures such as academic or housing accommodations, or No-Contact Directives
- Connect student to resources including counseling services
- Understand the student's preferences regarding next steps. NJIT will take all reasonable steps to honor a student's preferences to initiate (or not initiate) an investigation.



## What would you like to see happen? The choice is yours on how you wish to proceed.

I don't want to take any action at this time, but would like some support and resources.

### **1 Supportive Measures and Resources**

Resources and supportive measures will be provided to the student; a No Contact Directive can be implemented. A student can choose to pursue an informal or formal resolution at a later time.

*In certain circumstances, a formal complaint may be filed by the Title IX Coordinator based on the severity or impact of the alleged conduct.*

I want some action taken, but I don't want to go through a formal hearing or investigation.

### **2 Informal Resolution**

The Title IX Coordinator can facilitate a number of alternative resolution options including educational conversations, mediation, or restorative conversations with the parties. Informal resolutions can only occur if both parties voluntarily agree to participate.

I want to move forward with a formal process involving an investigation.

### **3 Formal Resolution**

Title IX Investigators will interview the parties. Both parties may have an Advisor present. Investigators will interview relevant witnesses, collect evidence and write an investigatory report which will be reviewed by the parties and shared with a hearing officer. A live hearing may take place depending on the nature of the allegation(s).



NJIT strongly encourages reporting all incidents of sexual violence in order for students to protect themselves and others. In the event of an emergency, contact **NJIT Police Department at (973) 596-3111**.

For more information about Title IX, call **(973) 596-3466**, visit **[www.njit.edu/titleix](http://www.njit.edu/titleix)**, or email **[titleix@njit.edu](mailto:titleix@njit.edu)**.

# NJIT Title IX Formal Resolution Process and Hearing

1

## Review of Allegations

The Title IX Coordinator will determine if the report falls under the Title IX grievance procedures. If the report does not constitute a potential sexual misconduct violation under Title IX, the grievance procedures under the Code of Student Conduct will be utilized.

2

## Notice of Investigation & Allegation

A Notice of Investigation will be delivered to both parties. If the Respondent accepts responsibility for the alleged conduct, appropriate sanction(s) and protective measures will be issued. If the Respondent does not accept responsibility for the alleged conduct, Title IX Investigators will be assigned to the investigation.

3

## Interviews & Evidence

The Title IX Investigators will conduct initial interviews (and follow-up interviews as needed) with the parties and relevant witnesses. Both the Complainant and Respondent may have an advisor present at interviews. The Investigators will prepare a detailed investigation report.

4

## Report Review

An investigative report will be shared with each party and their advisor for review. Each party has 10 days to provide a written response. A final investigative report will be shared with the parties for final review prior to the hearing with no less than 10 days for response.

5

## Hearing Notice

All parties will have no less than 5 days notice of the hearing date and Hearing Officer. The final investigation report will be provided to the Hearing Officer in advance of the hearing.

6

## Virtual Hearing

Parties will have an opportunity to provide an opening statement, respond to questions asked by the Hearing Officer and Advisor, and provide a closing statement. If a party does not have an Advisor, one will be provided by NJIT for the hearing. Advisors are required at hearings.

7

## Written Determination

Both parties will be notified in written simultaneously of the determination of responsibility including sanctions or remedies within 10 days.

8

## Appeals

Parties may appeal the determination regarding responsibility and/or the dismissal of a Formal Complaint within 5 days of the date of the letter of notification of the decision being appealed.

## Understanding Roles

### TITLE IX COORDINATOR

Responsible for the implementation of the Title IX program and for coordinating compliance with Title IX, the Clery Act, and this policy

### INVESTIGATOR

Neutral fact-finders whose role is to gather facts about an alleged violation(s), assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.

### HEARING OFFICER

Responsible for facilitating a hearing, determining whether NJIT policies have been violated and issuing any sanctions and/or protective measures.

### APPEALS OFFICER

The Vice President of Human Resources or Vice President for Student Affairs, or their designee, serve as Appeals Officers and determine the outcome of appeals.

### ADVISOR

Each party may elect to have one advisor of their choosing present during any stage of the formal or informal resolution process. The advisor's function is to observe, provide support, provide guidance or advice to the party and ask questions on behalf of the party at a hearing.

### PARTY

The Complainant(s) and Respondent(s).