1.9 Sex Discrimination and Sexual Misconduct

Princeton University does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and collegial relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious University offenses, and violations will result in discipline, including the possibility of separation from the University. State and federal laws also address conduct that may meet the University's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the University.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in the University’s programs and activities. The University will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any such sex or gender discrimination, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in University-related programs or activities.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of sex or gender discrimination, including sexual misconduct, whenever it becomes aware of such a complaint or report. Once made aware, the University must conduct an investigation regardless of how the information was brought to the University’s attention or the extent to which the complainant (i.e., an individual who has been subjected to prohibited conduct, according to the complaint or report) wishes to participate or be involved. All individuals have access to Confidential Resources that they may use for support and guidance without initiating University action.

Retaliation against anyone involved in filing an internal complaint under this policy, filing an external complaint, participating in the internal disciplinary process, or opposing in a reasonable manner an act believed to constitute a violation of this policy, is prohibited and will not be tolerated.

In light of these commitments, the University has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, intimate partner violence, stalking, and related retaliation. In a case of alleged sex or gender discrimination or sexual misconduct, this policy supersedes policies and procedures for other forms of misconduct.

1.9.1 The University's Title IX Coordinator
The Vice Provost for Institutional Equity and Diversity serves as the Title IX Coordinator and coordinates the University’s compliance with Title IX.

The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and oversees the University’s centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator’s activities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the University’s administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and
- Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.

The University Title IX Coordinator’s contact information is as follows:

Michele Minter  
Vice Provost for Institutional Equity and Diversity  
205 Nassau Hall  
Princeton, New Jersey 08544  
mminter@princeton.edu  
609-258-6110.

1.9.2 Scope of this Policy

This policy governs the conduct of University students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, visitors, or local residents).
Third parties are both protected by and subject to this policy. A third party may make a complaint or report of a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property (i.e., on campus) and in the local vicinity. All actions by a member of the University community that involve the use of the University’s computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus. This policy also applies to conduct that occurs off University property (i.e., off campus) when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs, or when such conduct may have a continuing adverse effect or could create a hostile environment on campus. Judgments about these matters will depend on facts of an individual case.

1.9.3 Prohibited Conduct

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

1. Sex Discrimination

Sex discrimination is adverse treatment of an individual based on sex or gender, rather than individual merit. Sex discrimination encompasses sexual misconduct but also includes other discriminatory behavior that does not constitute sexual misconduct. Sex discrimination may also include abusive or harassing behavior, whether verbal or physical, that demeans or intimidates another individual because of sex, gender identity or gender expression. Examples of conduct that can constitute sex discrimination because of sex, gender identity or gender expression include but are not limited to:

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase);
- Failing or refusing to hire or allow participation by an individual in a University activity;
- Terminating or removing an individual from employment or an educational program; or
- Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to adversely impact that individual.
2. Sexual Misconduct

The following behaviors constitute sexual misconduct and are prohibited under this policy. All forms of sexual misconduct are serious offenses and will result in University disciplinary consequences. Sexual misconduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion, or termination of employment. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.

Non-Consensual Sexual Penetration (commonly referred to as rape): Any act of vaginal or anal penetration by a person's penis, finger, other body part, or an object, or oral penetration by a penis, without consent.

Non-Consensual Sexual Contact (commonly referred to as sexual assault): Any sexual touching other than non-consensual sexual penetration without consent. Examples of non-consensual sexual contact may include: genital-genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.

Sexual Exploitation: Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact. Examples may include: recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations).

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit;
- Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
- These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

Sexually Inappropriate Conduct: Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature. Examples may include: obscene or sexually offensive gestures and comments; and lewdness.
3. **Other Prohibited Behaviors**

The following behaviors are also prohibited under this policy.

**Intimate Relationship Violence (also known as dating violence or intimate partner violence):** Acts of violence, threat or intimidation that harm or injure a partner in a current or former intimate relationship (defined below). These acts may be physical, emotional/psychological, sexual, or economic in nature. Intimate relationship violence can be a single act or pattern of behavior.

**Domestic Violence in the Context of Intimate Relationships:** A particular type of intimate relationship violence that occurs when partners in a current or former intimate relationship are or have been cohabiting in the same space. Students are deemed to be cohabiting when they share access to the same private living space or bathroom. (See also section 1.2.6 #6.)

**Stalking in the Context of Intimate Relationships:** A course of conduct (i.e., more than one act) directed at a partner in a current or former intimate relationship that would cause a reasonable person to feel fear, to experience emotional distress, or to fear for the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to: threats of harm to self or others; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other types of observation. (See also section 1.2.6 #7.)

**Retaliation:** Any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

4. **Terminology**

The following definitions clarify key terminology as used throughout the policy.

**Intimate Relationship:** An intimate relationship is a short- or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as
"girlfriends" or "boyfriends," and relationships between persons with a child in common.

**Consent and Incapacitation:** In reviewing possible violations of sexual misconduct, the University considers consent as the voluntary, informed, uncoerced agreement through words and actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one person overcomes the physical limitations of another person; and when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in a person's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

In the context of this policy, incapacitation is the state in which a person’s perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes sexual misconduct.

The term **complainant** refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

The term **respondent** refers to the individual(s) who has been accused of prohibited conduct.

The term **third party** refers to any individual who is not a University student, a faculty member, or a staff member (e.g., vendors, alumni/ae, visitors, or local residents).
1.9.4 Relationships with Individuals in Authority

A sexual or romantic relationship involving individuals in a teacher-student relationship or in the context of employment supervision or evaluation is not, in and of itself, sexual misconduct as defined by this policy and will not be investigated or adjudicated under this policy. Such an interaction may be a violation of another University policy and subject to separate disciplinary procedures.

A sexual or romantic relationship involving individuals in a teacher-student relationship (e.g., being directly or indirectly taught, supervised or evaluated) violates both University and professional standards (including the University’s Consensual Relations with Students Policy), and potentially violates state and federal anti-discrimination laws. A consensual relationship with a student can also create immediate problems of conflict of interest by implicating the faculty policy on nepotism and raising perceptions of favoritism or unequal treatment. See http://www.princeton.edu/dof/policies/publ/fac/rules_toc/chapter5/ for more information.

A conflict of interest also exists if there is a consensual romantic or sexual relationship in the context of employment supervision or evaluation. Therefore, a supervisor may not influence, directly or indirectly, salary, promotion, performance appraisals, work assignments or other working conditions for an employee with whom such a relationship exists. Such actions violate the University’s Nepotism and Personal Relationships in the Workplace Policy. See http://www.princeton.edu/hr/policies/conditions/5.2/5.2.2/.

1.9.5 Confidentiality, Privacy, and Related Responsibilities

Issues of privacy and confidentiality play important roles in this policy, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

In some circumstances, the reporting responsibilities of University employees, or the University’s responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.

Requests for confidentiality or use of anonymous reporting may limit the University’s ability to conduct an investigation.

1. Confidentiality and Confidential Resources
The term “confidentiality” refers to the circumstances under which information will or will not be disclosed to others.

Several campus professionals are designated Confidential Resources. Conversations with Confidential Resources are privileged. Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to the Title IX Coordinator or any other person only with the individual’s express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). Confidential Resources may submit non-identifying information about violations of this policy to the Department of Public Safety for purposes of the anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource. See section 1.9.6 #2 for a complete list of Confidential Resources on campus.

In particular, any individual who may have been subjected to a violation of this policy, or who is considering making a report under this policy, is encouraged to contact the University's Sexual Harassment/Assault Advising, Resources, and Education (SHARE) office. SHARE is a Confidential Resource that offers support and advocacy services, and provides information about the roles and reporting obligations of other offices at the University in order to empower persons to make informed decisions about their options.

In light of the University’s obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, University community members who are not designated Confidential Resources may be required to notify the Title IX Coordinator or the Department of Public Safety of suspected violations, and cannot guarantee the confidentiality of a complaint or report under this policy. See also section 1.9.5 #4.

2. **Confidentiality Rights of Complainants and Respondents**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.
3. Privacy

The term “privacy” refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify residential college staff and other University employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

4. Responsibility to Report

All members of the University community are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource as appropriate).

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, faculty and staff members must immediately contact the Department of Public Safety by dialing 911 from an on-campus telephone or 609-258-3333 from an off-campus telephone or cell phone.

In non-emergency situations, faculty and staff members who are not Confidential Resources must promptly report suspected violations to the Title IX Coordinator. Some students with special responsibilities, including Residential College Advisers, must promptly report alleged violations of this policy to their Directors of Student Life, who will then consult with the Title IX Coordinator.

A complainant may choose not to make a complaint or report in their own case, even if the complainant otherwise has reporting obligations by virtue of being a faculty member, staff member, or Residential College Adviser.

5. Anonymity
For more information regarding the implications of anonymity in the context of reporting a policy violation, see section 1.9.8 #1. For information about how to make an anonymous report, see section 1.9.6 #3.

6. Release of Information

If the Department of Public Safety becomes aware of a serious and continuing threat to the campus community, the Department of Public Safety will issue a timely notification to protect the health or safety of the community. The Department of Public Safety may also be required to publicly disclose a reported incident of sexual misconduct in the daily crime log or annual security report. In addition, the University may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the University release the name or other personally identifiable information of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

1.9.6 Support Resources

A complainant or witness has many options, including counseling with a Confidential Resource, filing an internal complaint, and/or filing a criminal complaint. The University recognizes that deciding among these options can be difficult. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource before deciding how to proceed.

The following resources are available to provide support and/or receive complaints or reports.

1. Emergency Resources and Law Enforcement:

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. For more information about filing a criminal complaint, see section 1.9.11.

Princeton Municipal Police
911 or 609-921-2100

Princeton University Department of Public Safety
609-258-1000

2. Confidential Resources:
Information shared with Confidential Resources (including information about whether an individual has received services) will only be disclosed to the Title IX Coordinator or any other person with the individual’s express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). For more information about confidentiality and Confidential Resources, see section 1.9.5.

The University’s Sexual Harassment/Assault Advising, Resources, and Education (SHARE) office is a Confidential Resource offering support and advocacy services. Individuals are encouraged to access support services and learn about their options by contacting SHARE. The SHARE office can provide information about the roles and reporting obligations of other offices at the University in order to empower individuals to make informed decisions about their options.

Campus Confidential Resources include:

**SHARE Office**
217 McCosh Health Center
Washington Road, Princeton, NJ 08544
609-258-3310
share@princeton.edu

**University Health Services Counseling Center**
McCosh Health Center, Third Floor
Make an Appointment: 609-258-3285
Monday - Friday 8:45 a.m. – 4:45 p.m.
Walk-in services available for urgent problems
Evening Hours by appointment Mondays and Wednesdays, 5:00 -7:00 p.m.

**University Health Services After Hours Care**
24-hour on-call service 609-258-3139 via The Infirmary
McCosh Health Center, Second Floor

**Ombuds Office**
179 Nassau Street - Suite D
Princeton, NJ 08544
609-258-1775
ombuds@princeton.edu

**Office of Religious Life chaplains**

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3. EthicsPoint Anonymous Hotline

Any individual may make an anonymous report concerning a violation of this policy through the University’s EthicsPoint hotline, an independent reporting service. An EthicsPoint report can be made without disclosing the reporting person’s own name, identifying the respondent, or requesting any action. Depending on the level of information available, anonymous reporting may adversely affect the University’s ability to respond or take further action. EthicsPoint is not a Confidential Resource and making a report to EthicsPoint may result in a University investigation.

EthicsPoint Hotline
866-478-9804

4. Other Available Resources

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential.

Mercer County Sexual Assault Response Team (SART)
Evidence collection and preventative medicine
Can be activated by contacting:
• Womanspace: 609-394-9000
• Princeton Municipal Police: 609-921-2100 (calls will likely result in police involvement)
• Princeton University Department of Public Safety: 609-258-1000 (calls will likely result in police involvement)
Or going to an emergency room:
• University Medical Center of Princeton at Plainsboro
1.9.7 Options for Complainants and Other Reporting Parties

The University encourages all individuals to report any alleged violation of this policy to the Title IX Coordinator, and to report potential criminal conduct to law enforcement. After consulting a Confidential Resource as appropriate, anyone who seeks to make a complaint or report may:

- Request interim measures from the Title IX Coordinator (see section 1.9.9);
- File a complaint or report with the Title IX Coordinator, thereby invoking the University’s internal disciplinary process (see section 1.9.8);
- Contact the Department of Public Safety for assistance in filing a criminal complaint and preserving physical evidence (see section 1.9.6); and/or
- Contact local law enforcement to file a criminal complaint (see section 1.9.6).

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint). When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons are encouraged to consult a Confidential Resource.

1.9.8 Filing a Complaint or Report with the Title IX Coordinator

Individuals are encouraged to report any alleged violation of this policy directly to the Title IX Coordinator. In order to do so, individuals may use the sex discrimination and sexual misconduct complaint form [link], or schedule an appointment with the Title IX Coordinator.

1. Anonymous Reporting

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant’s wishes, the
University’s commitment to provide a non-discriminatory environment, and the respondent’s right to have specific notice of the allegations if the University were to take action affecting the respondent. In such circumstances, the Title IX Coordinator may arrange for limited fact-finding by an investigator to better understand the context of the complaint.

2. **Amnesty**

In order to encourage reports of conduct that is prohibited under this policy, the University may offer leniency with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

3. **Timeliness of Report**

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, the University may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

**1.9.9 Interim Measures**

Upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim measures designed to preserve the complainant’s educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. The University may provide interim measures regardless of whether the complainant seeks formal disciplinary action.

Interim measures may include:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in work schedule or job assignment;
- Change in campus housing;
Providing medical services;

Imposition of an on-campus “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals; and/or

Any other remedy that can be used to achieve the goals of this policy.

Any interim measures will not disproportionately impact the complainant. Requests for interim measures may be made by or on behalf of the complainant to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by an interim measure. The University will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by a University-imposed measure.

1.9.10 Investigations and Disciplinary Procedures in General for this Policy

The University is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the disciplinary process, both parties (complainant and respondent) have equivalent rights, including the opportunity to present evidence, to be accompanied by an adviser of their choice, and to appeal. The University will concurrently provide both parties with written notification of the outcome of the process and any appeal.

1. Responsibility to Investigate

In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant’s articulated concerns, the best interests of the campus community, fairness to all individuals involved, and the University’s obligations under Title IX.

This policy differs from New Jersey criminal law. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

2. Initial Assessment of Complaints

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The investigative process is initiated when the Title IX Coordinator receives a complaint or report of a violation of this policy. The Title IX Coordinator will conduct an initial assessment. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a policy violation, the Title IX Coordinator may dismiss the complaint.
- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office for review.
- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of this policy, the Title IX Coordinator will determine appropriate interim measures and initiate an investigation.

3. Timing of Investigations and Any Related Disciplinary Proceedings

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process within 45 business days after receipt of the complaint or report. The University will seek to complete any appeal within fifteen business days after receipt of the appeal.

There may be circumstances that require the extension of timeframes for good cause, including extension beyond 45 business days. Timeframes may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the timeframes for good cause, and the reason for the extension.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the complainant.

Investigations will proceed according to the aforementioned timeframes during the summer and at other times when the University is not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.
Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both complainant and respondent.

4. Cooperation with Investigation and Disciplinary Procedures

Princeton University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. The University recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes delaying or failing to acknowledge requests from University officials for information, and delaying or failing to make oneself available for meetings with University officials.

It is understood that there may be circumstances in which a complainant wishes to limit their participation. The complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.

If a respondent chooses not to answer any or all questions in an investigation for any reason, the University process will continue, findings will be reached with respect to the alleged conduct, and the University will issue any penalties, as appropriate. The University will not, however, draw any adverse inference from a respondent’s silence.

5. Sexual History

The sexual history of the complainant and/or the respondent will generally not be used in determining whether a violation of this policy has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. For example, if consent is at issue, the sexual history between the parties may be relevant to determining whether consent was sought and given during the incident in question, although it must be remembered that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or for another specific question raised by an allegation.

6. Consolidation of Investigation

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

7. Circumstances Relating to Misconduct Affecting Health or Safety
In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the president or an authorized representative may summarily suspend, dismiss, or bar any person from the University. In all such cases, actions taken will be reviewed promptly, typically within one week, by the appropriate University authority.

1.9.11 Making a Criminal Complaint to Law Enforcement

At the complainant’s request, the University will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. See section 1.9.6 #1 for contact information related to law enforcement.

1.9.12 Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent is a Student

1. Investigation and Adjudication

When the Title IX Coordinator receives a complaint or report alleging that a student violated this policy, the Title IX Coordinator will appoint a three-person investigative panel of administrators and/or outside investigators. The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under the policy. The panelists will also be impartial and unbiased.

The panel will interview the parties to the complaint separately. Each party may select an adviser of their choice who may accompany them to any meeting or related proceeding, but the adviser may not participate in the interview process. All three members of the panel will participate in interviews with the complainant and the respondent. The panel will interview witnesses as necessary and may, at its discretion, delegate witness interviews to one or two of the panelists. Witnesses may not bring advisers. In all meetings, at least one member of the panel will serve as note taker. At the conclusion of each interview, the panelists will review the notes with the interviewee.

The panel will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the complainant and the respondent. The panel will describe in writing for the parties the charges that will be adjudicated.
After reviewing the file, each party will have an opportunity (1) to meet again with the panel, (2) to respond in writing to the panel, and (3) to request the collection of other information by the panel. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.

Following the investigation, the panel will meet to determine, by a majority decision, whether the respondent, based on the preponderance of evidence standard, violated University policy. The panel will prepare a report, which will include findings of fact, findings of responsibility and the panel’s rationale. All members of the panel must endorse the report as a record of their deliberations and rationale.

2. Penalties

If a student is found responsible for violating University policy, the entire case file will be forwarded to the dean of undergraduate students and the associate dean of the Graduate School who serves as alternate chair of the Committee on Discipline, who will jointly determine the penalty. Penalties will be determined based on the seriousness of the misconduct and the student’s previous disciplinary history (if any). Remedial measures will be determined based on the need to afford the parties an educational environment free from discrimination under Title IX. The findings regarding fact and responsibility, as well as the decision regarding the penalty in cases where violations of University policy have occurred, will be conveyed to the parties at the same time in writing. The notification will include the parties’ appeal rights.

If a student is found responsible for violating University policy, the Office of the Dean of Undergraduate Students or of the Graduate School will record the penalty and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

3. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. All appeals will be referred to a three-person appellate body composed of the dean of the college, the dean of the Graduate School, and the chair of the Judicial Committee of the Council of the Princeton University Community. All members of the appellate body will have training regarding Title IX and prohibited conduct defined under this policy. The members of the appellate body will be impartial and unbiased.
A complainant or respondent may file a written appeal on the grounds that: (1) there is substantial relevant information that was not presented, and reasonably could not have been presented during the investigation; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct, or (3) there was procedural unfairness during the disciplinary process.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate body may decide to uphold the original decision of the panel and/or the deans; to alter the imposed penalty; or to return the case to the panel for additional proceedings or other action.

The deadline for filing an appeal is one week from the date the parties are notified of the decision. If either party files an appeal, the associate secretary of the University will notify the other party in writing. The associate secretary of the University will serve as secretary for all appeals and will have primary responsibility for interactions with the parties, for the gathering of information needed for the appeal, and for notifying both parties in writing of the outcome of any appeal.

4. **Student Enrollment and Residence Status**

Pending action by the panel and/or the deans on the charges or pending an appeal, the respondent may be permitted to remain in residence on campus, attend classes, and make use of some or all University facilities, except for circumstances relating to the physical or emotional safety or well-being of a member (or members) of the University community, or the ability of the University to carry out its essential functions. Certain restrictions may be imposed by the deans on the respondent in order to provide the complainant with an educational environment free from discrimination under Title IX.

The respondent should understand that if the decision of the panel and/or the deans proves adverse, and if an appeal proves unsuccessful, the penalty will normally be considered effective as of the date of the original decision. In cases adjudicated prior to the last day of classes, if the final decision is a separation from the University (i.e., suspension, suspension with conditions, or expulsion), the respondent will normally not earn credit for the semester in which the infraction occurred. If the case is adjudicated during reading or exam period or if the respondent has successfully completed course requirements while awaiting the final disposition of the matter, obtaining credit for the semester will be at the discretion of the deans.

Pending an investigation and adjudication or the respondent's decision about whether to appeal a separation from the University or the withholding of the degree, and/or while an appeal is in process, an administrative hold will be placed on the respondent's University transcript. Should
the respondent decide not to appeal a separation or the withholding of the degree, or should an appeal not result in an alteration of the deans’ decision to dismiss the respondent or withhold the degree, the registrar will record the fact of the penalty on the respondent's transcript.

1.9.13 Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent is a Faculty or Staff Member

1. Investigation and Adjudication

When the Title IX Coordinator receives a complaint or report alleging that a member of the faculty or staff violated this policy, the Title IX Coordinator will appoint an investigative panel of at least two administrators and/or outside investigators.

When either of the parties is a faculty member, one panelist will represent the Office of the Dean of the Faculty. If either of the parties is a staff member, one panelist will represent Human Resources. When the complainant is a student alleging a violation of this policy by a member of the faculty or staff, the panel will have three members, and will include a representative of the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School, as appropriate.

The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under this policy. The panelists will also be impartial and unbiased.

The panel will interview the parties to the complaint separately. Each party may select an adviser of their choice who may accompany them to any meeting or related proceeding, but the adviser may not participate in the interview process. All members of the panel will participate in interviews with the complainant and the respondent. The panel will interview witnesses as necessary and may, at its discretion, delegate witness interviews to one or two of the panelists. Witnesses may not bring advisers. In all meetings, at least one member of the panel will serve as note taker. At the conclusion of each interview, the panelists will review the notes with the interviewee.

In the circumstance when the complaint is made by a member of the faculty or staff alleging a violation of this policy by another member of the faculty or staff, the panel will prepare a case file of all interview summaries, witness statements, and other documents. The panel will present both parties with a summary of the case file, after which each party will have an opportunity (1) to meet again with the panel, (2) to provide additional written information to the panel, and (3) to request the collection of other information by the panel. If any additional information is
gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to provide thorough information in the investigation.

In the circumstance when the complaint is made by a student alleging a violation of this policy by a member of the faculty or staff, the panel will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the complainant and the respondent. After reviewing the file, each party will have an opportunity (1) to meet again with the panel, (2) to respond in writing and (3) to request the collection of other information. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure both a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.

Following the investigation, the panel will meet to determine whether the respondent, based on the preponderance of evidence standard, violated University policy. The panel will prepare a report, which will include findings of fact, findings of responsibility and the panel’s rationale. All members of the panel must endorse the report as a record of their deliberations and rationale.

2. Penalties

The appropriate disciplinary authority based on the role of the respondent is as follows:

- If a faculty member is found responsible, the panel’s report will be forwarded to the dean of the faculty who will determine the appropriate penalty.

- If a staff member is found responsible, the panel’s report will be forwarded to the vice president for human resources, who will determine the appropriate penalty in consultation with the staff member’s manager.

Penalties will be determined based on the seriousness of the misconduct as compared to like cases in the past, and on the individual’s previous disciplinary history (if any). The findings regarding fact and responsibility as well as the decision regarding the penalty in cases where violations of University regulations have occurred will be conveyed to the parties in person by the dean of the faculty or the vice president for human resources or a designee as well as in writing. The notification will include the parties’ appeal rights. In all cases involving sex discrimination or sexual misconduct, the case file will be archived by the Title IX coordinator.
3. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. A complainant or respondent may file a written appeal on the grounds that (1) there is substantial relevant information that was not presented, and reasonably could not have been presented during the investigation; or (2) there was procedural unfairness.

- In a case where the respondent is a faculty member written appeal should be filed with the Committee on Conference and Faculty Appeal. In addition to the two grounds above, either party may raise on appeal “any question of unfair treatment in relation to the appointment, reappointment, or academic duties or privileges.”

- In a case where the respondent is an academic professional (professional researchers and specialists, professional library staff), a written appeal should be filed with the provost.

- In a case where the respondent is a non-unionized staff member, a written appeal should be filed with the executive vice president.

- In a case where the respondent is a unionized staff member, in accordance with the grievance procedure under the applicable collective bargaining agreement, a written appeal should be filed with the executive vice president and/or the labor relations representative in Human Resources.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate authority may decide to uphold the original decision of the panel and/or disciplinary authority; to alter the imposed penalty; or to return the case to the panel for additional proceedings or other action. The appellate authority will have training regarding Title IX and prohibited conduct defined under this policy and will be impartial and unbiased.

The deadline for filing an appeal is one week from the date the parties are notified of the decision by the dean of the faculty or vice president for human resources or a designee. If either party files an appeal, the other party will be notified. Both parties will be notified in writing of the outcome of the appeal.

1.9.14 Disciplinary Procedures Where One Party is a Member of the University Community and the Other Party is a Non-Member of the University Community
When a third party, (i.e., a non-member of our University community) is involved as a complainant or a respondent, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures stated in sections 1.9.8 through 1.9.13, appropriately modified based on the particular circumstances involved and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

1.9.15 Other Investigation and Resolution Procedures

If a complaint or report of conduct prohibited by this policy is made against multiple individuals, an office, or the University in general, the Title IX Coordinator will review the matter and take appropriate action, in accordance with this policy. The Title IX Coordinator may conduct an investigation, using investigative and disciplinary procedures that are generally consistent with those stated in this policy, appropriately modified based on the particular circumstances involved. The Title IX Coordinator also has the discretion to conduct a climate review, after which the University may implement appropriate remedial.

1.9.16 Range of Penalties under this Policy and Disciplinary Procedures

Members of the University community may be subject to disciplinary penalties for violating this policy.

1. Additional Accommodations

If a respondent is found responsible for violating this policy, the complainant may request accommodations not already in place, such as a one-way no contact order. The University will promptly implement the accommodation as appropriate. In no circumstance will the burden of the accommodation be placed on the complainant. The accommodation shall be effective even if the respondent files an appeal or if such an appeal is pending.

2. Penalties Applicable to Students

For violations of this policy by students, in general the penalties, in ascending order of severity, are:

**Warning:** A formal admonition that does not become part of an individual's permanent record, but that may be taken into account in judging the seriousness of any future violation.

**Disciplinary Probation:** A more serious admonition assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from the
University. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired.

Disciplinary probation appears on an individual's permanent record at the University (but not on the transcript) and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Princeton degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Suspension:** Removal from membership in the University for a specified period of time. A suspension is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Suspension with Conditions:** Removal from membership in the University for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, formal apology, or counseling. A suspension with conditions is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Expulsion:** Permanent removal from membership in the University, without any opportunity for readmission to the community. Expulsion is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Censure:** University censure can be added to any of the penalties listed above, except warning. Censure indicates the University's desire to underscore the seriousness of the violation and the
absence of mitigating circumstances and to convey that seriousness in response to future
authorized inquiries about the given individual's conduct.

The following may accompany the preceding penalties, as appropriate:

**Campus Service:** Campus service up to 10 hours per week may be added to disciplinary
probation for a portion or duration of the probationary period, or following a warning.

**University Housing:** When appropriate to the infraction, particularly in instances involving
antisocial behavior having a serious impact on the residential community, removal from
University housing or relocation within University housing may be added to any of the other
penalties listed above, except warning. In the case of a freshman or sophomore, removal from
housing is not an option as all underclass students must reside in a residential college. Relocation
within residential colleges will be imposed only after consultation with the master of the
student's residential college.

**Restriction of Access to Space, Resources, and Activities:** When appropriate in cases
involving behavioral misconduct between members of the community, restrictions may be placed
on access to space and/or resources or on participation in activities so as to limit opportunities for
contact among the parties.

**Educational Refresher Programs:** In addition to any of the penalties listed above, a student
may be required to participate in educational refresher programs appropriate to the infraction.

3. **Penalties Applicable to Faculty and Staff Members**

For violations of this policy by faculty or staff members, disciplinary penalties may include (in
accordance with the employment policies governing the employee in question) counseling or
training, written warning, financial penalty, unpaid leave of absence, suspension, demotion or
termination in accordance with the employment policies governing the specific employee.
This notated document includes comments designed to inform readers. It identifies passages of text that have been reviewed and approved in the past, and text that corresponds to specific OCR and VAWA requirements (including both published guidance and instructions made directly to Princeton). The entire policy is designed to meet OCR’s compliance requirements.

### 1.9 Sex Discrimination and Sexual Misconduct

Princeton University does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and collegial relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious University offenses, and violations will result in discipline, including the possibility of separation from the University. State and federal laws also address conduct that may meet the University's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the University.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in the University’s programs and activities. The University will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any such sex or gender discrimination, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in University-related programs or activities.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of sex or gender discrimination, including sexual misconduct, whenever it becomes aware of such a complaint or report. Once made aware, the University must conduct an investigation regardless of how the information was brought to the University’s attention or the extent to which the complainant (i.e., an individual who has been subjected to prohibited conduct, according to the complaint or report) wishes to participate or be involved. All individuals have access to Confidential Resources that they may use for support and guidance without initiating University action.

Retaliation against anyone involved in filing an internal complaint under this policy, filing an external complaint, participating in the internal disciplinary process, or opposing in a reasonable manner an act believed to constitute a violation of this policy, is prohibited and will not be tolerated.

In light of these commitments, the University has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, intimate partner violence, stalking, and related retaliation. In a case of alleged sex or gender discrimination or sexual misconduct, this policy supersedes policies and procedures for other forms of misconduct.
1.9.1 The University's Title IX Coordinator

The Vice Provost for Institutional Equity and Diversity serves as the Title IX Coordinator and coordinates the University’s compliance with Title IX.

The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and oversees the University’s centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator’s activities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the University’s administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and
- Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.

The University Title IX Coordinator’s contact information is as follows:

Michele Minter
Vice Provost for Institutional Equity and Diversity
205 Nassau Hall
Princeton, New Jersey 08544
mminter@princeton.edu
609-258-6110.

1.9.2 Scope of this Policy
This policy governs the conduct of University students, regardless of enrollment status; faculty, staff; and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, visitors, or local residents).

Third parties are both protected by and subject to this policy. A third party may make a complaint or report of a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property (i.e., on campus) and in the local vicinity. All actions by a member of the University community that involve the use of the University’s computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus. This policy also applies to conduct that occurs off University property (i.e., off campus) when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs, or when such conduct may have a continuing adverse effect or could create a hostile environment on campus. Judgments about these matters will depend on facts of an individual case.

1.9.3 Prohibited Conduct

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

1. **Sex Discrimination**

Sex discrimination is adverse treatment of an individual based on sex or gender, rather than individual merit. Sex discrimination encompasses sexual misconduct but also includes other discriminatory behavior that does not constitute sexual misconduct. Sex discrimination may also include abusive or harassing behavior, whether verbal or physical, that demeans or intimidates another individual because of sex, gender identity or gender expression. Examples of conduct that can constitute sex discrimination because of sex, gender identity or gender expression include but are not limited to:

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase);

- Failing or refusing to hire or allow participation by an individual in a University activity;
• Terminating or removing an individual from employment or an educational program; or
• Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to adversely impact that individual.

2. Sexual Misconduct

The following behaviors constitute sexual misconduct and are prohibited under this policy. All forms of sexual misconduct are serious offenses and will result in University disciplinary consequences. Sexual misconduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion, or termination of employment. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.

**Non-Consensual Sexual Penetration (commonly referred to as rape):** Any act of vaginal or anal penetration by a person's penis, finger, other body part, or an object, or oral penetration by a penis, without consent.

**Non-Consensual Sexual Contact (commonly referred to as sexual assault):** Any sexual touching other than non-consensual sexual penetration without consent. Examples of non-consensual sexual contact may include: genital-genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.

**Sexual Exploitation:** Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact. Examples may include: recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations).

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

• Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit;

• Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or

• These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

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Sexually Inappropriate Conduct: Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature. Examples may include: obscene or sexually offensive gestures and comments; and lewdness.

3. Other Prohibited Behaviors

The following behaviors are also prohibited under this policy.

Intimate Relationship Violence (also known as dating violence or intimate partner violence): Acts of violence, threat or intimidation that harm or injure a partner in a current or former intimate relationship (defined below). These acts may be physical, emotional/psychological, sexual, or economic in nature. Intimate relationship violence can be a single act or pattern of behavior.

Domestic Violence in the Context of Intimate Relationships: A particular type of intimate relationship violence that occurs when partners in a current or former intimate relationship are or have been cohabiting in the same space. Students are deemed to be cohabiting when they share access to the same private living space or bathroom. (See also section 1.2.6 #6.)

Stalking in the Context of Intimate Relationships: A course of conduct (i.e., more than one act) directed at a partner in a current or former intimate relationship that would cause a reasonable person to feel fear, to experience emotional distress, or to fear for the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to: threats of harm to self or others; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other types of observation. (See also section 1.2.6 #7.)

Retaliation: Any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

4. Terminology

The following definitions clarify key terminology as used throughout the policy.

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**Intimate Relationship:** An intimate relationship is a short- or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

**Consent and Incapacitation:** In reviewing possible violations of sexual misconduct, the University considers consent as the voluntary, informed, uncoerced agreement through words and actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one person overcomes the physical limitations of another person; and when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in a person's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

In the context of this policy, incapacitation is the state in which a person’s perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes sexual misconduct.

The term *complainant* refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.
The term **respondent** refers to the individual(s) who has been accused of prohibited conduct.

The term **third party** refers to any individual who is not a University student, a faculty member, or a staff member (e.g., vendors, alumni/ae, visitors, or local residents).

### 1.9.4 Relationships with Individuals in Authority

A sexual or romantic relationship involving individuals in a teacher-student relationship or in the context of employment supervision or evaluation is not, in and of itself, sexual misconduct as defined by this policy and will not be investigated or adjudicated under this policy. Such an interaction may be a violation of another University policy and subject to separate disciplinary procedures.

A sexual or romantic relationship involving individuals in a teacher-student relationship (e.g., being directly or indirectly taught, supervised or evaluated) violates both University and professional standards (including the University’s Consensual Relations with Students Policy), and potentially violates state and federal anti-discrimination laws. A consensual relationship with a student can also create immediate problems of conflict of interest by implicating the faculty policy on nepotism and raising perceptions of favoritism or unequal treatment. See [http://www.princeton.edu/dof/policies/publ/fac/rules_toc/chapter5/](http://www.princeton.edu/dof/policies/publ/fac/rules_toc/chapter5/) for more information.

A conflict of interest also exists if there is a consensual romantic or sexual relationship in the context of employment supervision or evaluation. Therefore, a supervisor may not influence, directly or indirectly, salary, promotion, performance appraisals, work assignments or other working conditions for an employee with whom such a relationship exists. Such actions violate the University’s Nepotism and Personal Relationships in the Workplace Policy. See [http://www.princeton.edu/hr/policies/conditions/5.2/5.2.2/](http://www.princeton.edu/hr/policies/conditions/5.2/5.2.2/).

### 1.9.5 Confidentiality, Privacy, and Related Responsibilities

Issues of privacy and confidentiality play important roles in this policy, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

In some circumstances, the reporting responsibilities of University employees, or the University’s responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.
Requests for confidentiality or use of anonymous reporting may limit the University’s ability to conduct an investigation.

1. Confidentiality and Confidential Resources

The term “confidentiality” refers to the circumstances under which information will or will not be disclosed to others.

Several campus professionals are designated Confidential Resources. Conversations with Confidential Resources are privileged. Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to the Title IX Coordinator or any other person only with the individual’s express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). Confidential Resources may submit non-identifying information about violations of this policy to the Department of Public Safety for purposes of the anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource. See section 1.9.6 #2 for a complete list of Confidential Resources on campus.

In particular, any individual who may have been subjected to a violation of this policy, or who is considering making a report under this policy, is encouraged to contact the University's Sexual Harassment/Assault Advising, Resources, and Education (SHARE) office. SHARE is a Confidential Resource that offers support and advocacy services, and provides information about the roles and reporting obligations of other offices at the University in order to empower persons to make informed decisions about their options.

In light of the University’s obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, University community members who are not designated Confidential Resources may be required to notify the Title IX Coordinator or the Department of Public Safety of suspected violations, and cannot guarantee the confidentiality of a complaint or report under this policy. See also section 1.9.5 #4.

2. Confidentiality Rights of Complainants and Respondents

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is
important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

3. Privacy

The term “privacy” refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify residential college staff and other University employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

4. Responsibility to Report

All members of the University community are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource as appropriate).

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, faculty and staff members must immediately contact the Department of Public Safety by dialing 911 from an on-campus telephone or 609-258-3333 from an off-campus telephone or cell phone.

In non-emergency situations, faculty and staff members who are not Confidential Resources must promptly report suspected violations to the Title IX Coordinator. Some students with special responsibilities, including Residential College Advisers, must promptly report alleged violations of this policy to their Directors of Student Life, who will then consult with the Title IX Coordinator.
A complainant may choose not to make a complaint or report in their own case, even if the complainant otherwise has reporting obligations by virtue of being a faculty member, staff member, or Residential College Adviser.

5. **Anonymity**

For more information regarding the implications of anonymity in the context of reporting a policy violation, see section 1.9.8 #1. For information about how to make an anonymous report, see section 1.9.6 #3.

6. **Release of Information**

If the Department of Public Safety becomes aware of a serious and continuing threat to the campus community, the Department of Public Safety will issue a timely notification to protect the health or safety of the community. The Department of Public Safety may also be required to publicly disclose a reported incident of sexual misconduct in the daily crime log or annual security report. In addition, the University may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the University release the name or other personally identifiable information of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

1.9.6 **Support Resources**

A complainant or witness has many options, including counseling with a Confidential Resource, filing an internal complaint, and/or filing a criminal complaint. The University recognizes that deciding among these options can be difficult. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource before deciding how to proceed.

The following resources are available to provide support and/or receive complaints or reports.

1. **Emergency Resources and Law Enforcement:**

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. For more information about filing a criminal complaint, see section 1.9.11.

**Princeton Municipal Police**
911 or 609-921-2100
Princeton University Department of Public Safety  
609-258-1000

2. Confidential Resources:

Information shared with Confidential Resources (including information about whether an individual has received services) will only be disclosed to the Title IX Coordinator or any other person with the individual’s express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). For more information about confidentiality and Confidential Resources, see section 1.9.5.

The University’s Sexual Harassment/Assault Advising, Resources, and Education (SHARE) office is a Confidential Resource offering support and advocacy services. Individuals are encouraged to access support services and learn about their options by contacting SHARE. The SHARE office can provide information about the roles and reporting obligations of other offices at the University in order to empower individuals to make informed decisions about their options.

Campus Confidential Resources include:

**SHARE Office**  
217 McCosh Health Center  
Washington Road, Princeton, NJ 08544  
609-258-3310  
share@princeton.edu

**University Health Services Counseling Center**  
McCosh Health Center, Third Floor  
Make an Appointment: 609-258-3285  
Monday - Friday 8:45 a.m. – 4:45 p.m.  
Walk-in services available for urgent problems  
Evening Hours by appointment Mondays and Wednesdays, 5:00 -7:00 p.m.

**University Health Services After Hours Care**  
24-hour on-call service 609-258-3139 via The Infirmary  
McCosh Health Center, Second Floor

**Ombuds Office**  
179 Nassau Street - Suite D  
Princeton, NJ 08544
3. EthicsPoint Anonymous Hotline

Any individual may make an anonymous report concerning a violation of this policy through the University’s EthicsPoint hotline, an independent reporting service. An EthicsPoint report can be made without disclosing the reporting person’s own name, identifying the respondent, or requesting any action. Depending on the level of information available, anonymous reporting may adversely affect the University’s ability to respond or take further action. EthicsPoint is not a Confidential Resource and making a report to EthicsPoint may result in a University investigation.

EthicsPoint Hotline
866-478-9804

4. Other Available Resources

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential.

Mercer County Sexual Assault Response Team (SART)
Evidence collection and preventative medicine
Can be activated by contacting:
- Womanspace: 609-394-9000
- Princeton Municipal Police: 609-921-2100 (calls will likely result in police involvement)
• Princeton University Department of Public Safety: 609-258-1000 (calls will likely result in police involvement)

Or going to an emergency room:
• University Medical Center of Princeton at Plainsboro
• Capital Health Medical Center in Hopewell
• Robert Wood Johnson University Hospital

Womanspace, Inc.
Services for domestic and sexual violence victims/survivors
609-394-9000 (24-hour hotline) /609-394-0136 (office)
1530 Brunswick Avenue, Lawrenceville, New Jersey 08648
Monday-Friday, 9:00 a.m. - 5:00 p.m. (walk-in hours)

1.9.7 Options for Complainants and Other Reporting Parties

The University encourages all individuals to report any alleged violation of this policy to the Title IX Coordinator, and to report potential criminal conduct to law enforcement. After consulting a Confidential Resource as appropriate, anyone who seeks to make a complaint or report may:

• Request interim measures from the Title IX Coordinator (see section 1.9.9);

• File a complaint or report with the Title IX Coordinator, thereby invoking the University’s internal disciplinary process (see section 1.9.8);

• Contact the Department of Public Safety for assistance in filing a criminal complaint and preserving physical evidence (see section 1.9.6); and/or

• Contact local law enforcement to file a criminal complaint (see section 1.9.6).

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint). When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons are encouraged to consult a Confidential Resource.

1.9.8 Filing a Complaint or Report with the Title IX Coordinator

Individuals are encouraged to report any alleged violation of this policy directly to the Title IX Coordinator. In order to do so, individuals may use the sex discrimination and sexual misconduct complaint form [link], or schedule an appointment with the Title IX Coordinator.
1. **Anonymous Reporting**

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant’s wishes, the University’s commitment to provide a non-discriminatory environment, and the respondent’s right to have specific notice of the allegations if the University were to take action affecting the respondent. In such circumstances, the Title IX Coordinator may arrange for limited fact-finding by an investigator to better understand the context of the complaint.

2. **Amnesty**

In order to encourage reports of conduct that is prohibited under this policy, the University may offer leniency with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

3. **Timeliness of Report**

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, the University may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

### 1.9.9 Interim Measures

Upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim measures designed to preserve the complainant’s educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. The University may provide interim measures regardless of whether the complainant seeks formal disciplinary action.

Interim measures may include:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
• Change in class schedule, including the ability to transfer course sections or withdraw from a course;
• Change in work schedule or job assignment;
• Change in campus housing;
• Providing medical services;
• Imposition of an on-campus “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals; and/or
• Any other remedy that can be used to achieve the goals of this policy.

Any interim measures will not disproportionately impact the complainant. Requests for interim measures may be made by or on behalf of the complainant to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by an interim measure. The University will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by a University-imposed measure.

1.9.10 Investigations and Disciplinary Procedures in General for this Policy

The University is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the disciplinary process, both parties (complainant and respondent) have equivalent rights, including the opportunity to present evidence, to be accompanied by an adviser of their choice, and to appeal. The University will concurrently provide both parties with written notification of the outcome of the process and any appeal.

1. Responsibility to Investigate

In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant’s articulated concerns, the best interests of the campus community, fairness to all individuals involved, and the University's obligations under Title IX.
This policy differs from New Jersey criminal law. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

2. Initial Assessment of Complaints

The investigative process is initiated when the Title IX Coordinator receives a complaint or report of a violation of this policy. The Title IX Coordinator will conduct an initial assessment. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a policy violation, the Title IX Coordinator may dismiss the complaint.
- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office for review.
- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of this policy, the Title IX Coordinator will determine appropriate interim measures and initiate an investigation.

3. Timing of Investigations and Any Related Disciplinary Proceedings

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process within 45 business days after receipt of the complaint or report. The University will seek to complete any appeal within fifteen business days after receipt of the appeal.

There may be circumstances that require the extension of timeframes for good cause, including extension beyond 45 business days. Timeframes may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the timeframes for good cause, and the reason for the extension.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the complainant.

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Investigations will proceed according to the aforementioned timeframes during the summer and at other times when the University is not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both complainant and respondent.

4. **Cooperation with Investigation and Disciplinary Procedures**

Princeton University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. The University recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes delaying or failing to acknowledge requests from University officials for information, and delaying or failing to make oneself available for meetings with University officials.

*It is understood that there may be circumstances in which a complainant wishes to limit their participation. The complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.*

If a respondent chooses not to answer any or all questions in an investigation for any reason, the University process will continue, findings will be reached with respect to the alleged conduct, and the University will issue any penalties, as appropriate. The University will not, however, draw any adverse inference from a respondent’s silence.

5. **Sexual History**

The sexual history of the complainant and/or the respondent will generally not be used in determining whether a violation of this policy has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. For example, if consent is at issue, the sexual history between the parties may be relevant to determining whether consent was sought and given during the incident in question, although it must be remembered that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or for another specific question raised by an allegation.

6. **Consolidation of Investigation**

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The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

7. Circumstances Relating to Misconduct Affecting Health or Safety

In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the president or an authorized representative may summarily suspend, dismiss, or bar any person from the University. In all such cases, actions taken will be reviewed promptly, typically within one week, by the appropriate University authority.

1.9.11 Making a Criminal Complaint to Law Enforcement

At the complainant’s request, the University will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. See section 1.9.6 #1 for contact information related to law enforcement.

1.9.12 Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent is a Student

1. Investigation and Adjudication

When the Title IX Coordinator receives a complaint or report alleging that a student violated this policy, the Title IX Coordinator will appoint a three-person investigative panel of administrators and/or outside investigators. The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under the policy. The panelists will also be impartial and unbiased.

The panel will interview the parties to the complaint separately. Each party may select an adviser of their choice who may accompany them to any meeting or related proceeding, but the adviser may not participate in the interview process. All three members of the panel will participate in interviews with the complainant and the respondent. The panel will interview witnesses as necessary and may, at its discretion, delegate witness interviews to one or two of the panelists. Witnesses may not bring advisers. In all meetings, at least one member of the panel will serve as note taker. At the conclusion of each interview, the panelists will review the notes with the interviewee.
The panel will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the complainant and the respondent. The panel will describe in writing for the parties the charges that will be adjudicated.

After reviewing the file, each party will have an opportunity (1) to meet again with the panel, (2) to respond in writing to the panel, and (3) to request the collection of other information by the panel. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.

Following the investigation, the panel will meet to determine, by a majority decision, whether the respondent, based on the preponderance of evidence standard, violated University policy. The panel will prepare a report, which will include findings of fact, findings of responsibility and the panel’s rationale. All members of the panel must endorse the report as a record of their deliberations and rationale.

2. Penalties

If a student is found responsible for violating University policy, the entire case file will be forwarded to the dean of undergraduate students and the associate dean of the Graduate School who serves as alternate chair of the Committee on Discipline, who will jointly determine the penalty. Penalties will be determined based on the seriousness of the misconduct and the student’s previous disciplinary history (if any). Remedial measures will be determined based on the need to afford the parties an educational environment free from discrimination under Title IX. The findings regarding fact and responsibility, as well as the decision regarding the penalty in cases where violations of University policy have occurred, will be conveyed to the parties at the same time in writing. The notification will include the parties’ appeal rights.

If a student is found responsible for violating University policy, the Office of the Dean of Undergraduate Students or of the Graduate School will record the penalty and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

3. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. All appeals will be referred to a three-person appellate body composed of the dean of the college, the dean of the Graduate School, and the chair of the Judicial Committee of the Council of the
All members of the appellate body will have training regarding Title IX and prohibited conduct defined under this policy. The members of the appellate body will be impartial and unbiased.

A complainant or respondent may file a written appeal on the grounds that: (1) there is substantial relevant information that was not presented, and reasonably could not have been presented during the investigation; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct, or (3) there was procedural unfairness during the disciplinary process.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate body may decide to uphold the original decision of the panel and/or the deans; to alter the imposed penalty; or to return the case to the panel for additional proceedings or other action.

The deadline for filing an appeal is one week from the date the parties are notified of the decision. If either party files an appeal, the associate secretary of the University will notify the other party in writing. The associate secretary of the University will serve as secretary for all appeals and will have primary responsibility for interactions with the parties, for the gathering of information needed for the appeal, and for notifying both parties in writing of the outcome of any appeal.

4. **Student Enrollment and Residence Status**

Pending action by the panel and/or the deans on the charges or pending an appeal, the respondent may be permitted to remain in residence on campus, attend classes, and make use of some or all University facilities, except for circumstances relating to the physical or emotional safety or well-being of a member (or members) of the University community, or the ability of the University to carry out its essential functions. Certain restrictions may be imposed by the deans on the respondent in order to provide the complainant with an educational environment free from discrimination under Title IX.

The respondent should understand that if the decision of the panel and/or the deans proves adverse, and if an appeal proves unsuccessful, the penalty will normally be considered effective as of the date of the original decision. In cases adjudicated prior to the last day of classes, if the final decision is a separation from the University (i.e., suspension, suspension with conditions, or expulsion), the respondent will normally not earn credit for the semester in which the infraction occurred. If the case is adjudicated during reading or exam period or if the respondent has successfully completed course requirements while awaiting the final disposition of the matter, obtaining credit for the semester will be at the discretion of the deans.
Pending an investigation and adjudication or the respondent's decision about whether to appeal a separation from the University or the withholding of the degree, and/or while an appeal is in process, an administrative hold will be placed on the respondent's University transcript. Should the respondent decide not to appeal a separation or the withholding of the degree, or should an appeal not result in an alteration of the deans’ decision to dismiss the respondent or withhold the degree, the registrar will record the fact of the penalty on the respondent's transcript.

1.9.13 Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent is a Faculty or Staff Member

1. Investigation and Adjudication

When the Title IX Coordinator receives a complaint or report alleging that a member of the faculty or staff violated this policy, the Title IX Coordinator will appoint an investigative panel of at least two administrators and/or outside investigators.

When either of the parties is a faculty member, one panelist will represent the Office of the Dean of the Faculty. If either of the parties is a staff member, one panelist will represent Human Resources. When the complainant is a student alleging a violation of this policy by a member of the faculty or staff, the panel will have three members, and will include a representative of the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School, as appropriate.

The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under this policy. The panelists will also be impartial and unbiased.

The panel will interview the parties to the complaint separately. Each party may select an adviser of their choice who may accompany them to any meeting or related proceeding, but the adviser may not participate in the interview process. All members of the panel will participate in interviews with the complainant and the respondent. The panel will interview witnesses as necessary and may, at its discretion, delegate witness interviews to one or two of the panelists. Witnesses may not bring advisers. In all meetings, at least one member of the panel will serve as note taker. At the conclusion of each interview, the panelists will review the notes with the interviewee.

In the circumstance when the complaint is made by a member of the faculty or staff alleging a violation of this policy by another member of the faculty or staff, the panel will prepare a case
file of all interview summaries, witness statements, and other documents. The panel will present both parties with a summary of the case file, after which each party will have an opportunity (1) to meet again with the panel, (2) to provide additional written information to the panel, and (3) to request the collection of other information by the panel. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to provide thorough information in the investigation.

In the circumstance when the complaint is made by a student alleging a violation of this policy by a member of the faculty or staff, the panel will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the complainant and the respondent. After reviewing the file, each party will have an opportunity (1) to meet again with the panel, (2) to respond in writing and (3) to request the collection of other information. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure both a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.

Following the investigation, the panel will meet to determine whether the respondent, based on the preponderance of evidence standard, violated University policy. The panel will prepare a report, which will include findings of fact, findings of responsibility and the panel’s rationale. All members of the panel must endorse the report as a record of their deliberations and rationale.

2. **Penalties**

The appropriate disciplinary authority based on the role of the respondent is as follows:

- If a faculty member is found responsible, the panel’s report will be forwarded to the dean of the faculty who will determine the appropriate penalty.

- If a staff member is found responsible, the panel’s report will be forwarded to the vice president for human resources, who will determine the appropriate penalty in consultation with the staff member’s manager.

Penalties will be determined based on the seriousness of the misconduct as compared to like cases in the past, and on the individual’s previous disciplinary history (if any). The findings regarding fact and responsibility as well as the decision regarding the penalty in cases where
violations of University regulations have occurred will be conveyed to the parties in person by
the dean of the faculty or the vice president for human resources or a designee as well as in
writing. The notification will include the parties’ appeal rights. In all cases involving sex
discrimination or sexual misconduct, the case file will be archived by the Title IX coordinator.

3. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. A
complainant or respondent may file a written appeal on the grounds that (1) there is substantial
relevant information that was not presented, and reasonably could not have been presented
during the investigation; or (2) there was procedural unfairness.

- In a case where the respondent is a faculty member written appeal should be filed with the
  Committee on Conference and Faculty Appeal. In addition to the two grounds above, either
  party may raise on appeal “any question of unfair treatment in relation to the appointment,
  reappointment, or academic duties or privileges.”

- In a case where the respondent is an academic professional (professional researchers and
  specialists, professional library staff), a written appeal should be filed with the provost.

- In a case where the respondent is a non-unionized staff member, a written appeal should be
  filed with the executive vice president.

- In a case where the respondent is a unionized staff member, in accordance with the grievance
  procedure under the applicable collective bargaining agreement, a written appeal should be
  filed with the executive vice president and/or the labor relations representative in Human
  Resources.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new
determination of whether a violation of University rules has occurred. The appellate authority
may decide to uphold the original decision of the panel and/or disciplinary authority; to alter the
imposed penalty; or to return the case to the panel for additional proceedings or other action.
The appellate authority will have training regarding Title IX and prohibited conduct defined
under this policy and will be impartial and unbiased.

The deadline for filing an appeal is one week from the date the parties are notified of the decision
by the dean of the faculty or vice president for human resources or a designee. If either party
files an appeal, the other party will be notified. Both parties will be notified in writing of the
outcome of the appeal.
1.9.14 Disciplinary Procedures Where One Party is a Member of the University Community and the Other Party is a Non-Member of the University Community

When a third party, (i.e., a non-member of our University community) is involved as a complainant or a respondent, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures stated in sections 1.9.8 through 1.9.13, appropriately modified based on the particular circumstances involved and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

1.9.15 Other Investigation and Resolution Procedures

If a complaint or report of conduct prohibited by this policy is made against multiple individuals, an office, or the University in general, the Title IX Coordinator will review the matter and take appropriate action, in accordance with this policy. The Title IX Coordinator may conduct an investigation, using investigative and disciplinary procedures that are generally consistent with those stated in this policy, appropriately modified based on the particular circumstances involved. The Title IX Coordinator also has the discretion to conduct a climate review, after which the University may implement appropriate remedial.

1.9.16 Range of Penalties under this Policy and Disciplinary Procedures

Members of the University community may be subject to disciplinary penalties for violating this policy.

1. Additional Accommodations

If a respondent is found responsible for violating this policy, the complainant may request accommodations not already in place, such as a one-way no contact order. The University will promptly implement the accommodation as appropriate. In no circumstance will the burden of the accommodation be placed on the complainant. The accommodation shall be effective even if the respondent files an appeal or if such an appeal is pending.

2. Penalties Applicable to Students

For violations of this policy by students, in general the penalties, in ascending order of severity, are:
**Warning:** A formal admonition that does not become part of an individual's permanent record, but that may be taken into account in judging the seriousness of any future violation.

**Disciplinary Probation:** A more serious admonition assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from the University. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired.

Disciplinary probation appears on an individual's permanent record at the University (but not on the transcript) and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Princeton degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Suspension:** Removal from membership in the University for a specified period of time. A suspension is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Suspension with Conditions:** Removal from membership in the University for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, formal apology, or counseling. A suspension with conditions is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Expulsion:** Permanent removal from membership in the University, without any opportunity for readmission to the community. Expulsion is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by

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the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School in response to requests for which the student has given permission or as otherwise legally required.

**Censure:** University censure can be added to any of the penalties listed above, except warning. Censure indicates the University's desire to underscore the seriousness of the violation and the absence of mitigating circumstances and to convey that seriousness in response to future authorized inquiries about the given individual's conduct.

The following may accompany the preceding penalties, as appropriate:

**Campus Service:** Campus service up to 10 hours per week may be added to disciplinary probation for a portion or duration of the probationary period, or following a warning.

**University Housing:** When appropriate to the infraction, particularly in instances involving antisocial behavior having a serious impact on the residential community, removal from University housing or relocation within University housing may be added to any of the other penalties listed above, except warning. In the case of a freshman or sophomore, removal from housing is not an option as all underclass students must reside in a residential college. Relocation within residential colleges will be imposed only after consultation with the master of the student's residential college.

**Restriction of Access to Space, Resources, and Activities:** When appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the parties.

**Educational Refresher Programs:** In addition to any of the penalties listed above, a student may be required to participate in educational refresher programs appropriate to the infraction.

3. **Penalties Applicable to Faculty and Staff Members**

For violations of this policy by faculty or staff members, disciplinary penalties may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension, demotion or termination in accordance with the employment policies governing the specific employee.
At the September 15 Faculty Meeting, the Faculty Advisory Committee on Policy will be recommending changes to the University's policy and discipline procedures relating to sexual misconduct. The recommended changes are intended to bring the University into compliance with Title IX requirements as interpreted by the U.S. Department of Education's Office for Civil Rights (OCR). In the event you believe that faculty members would benefit from some background regarding the legal issues at hand, I have prepared this memo which you may wish to share with them.

Our office has had several in-person and telephonic meetings with OCR in recent weeks. OCR has informed Princeton that its current sexual misconduct policy and discipline procedures violate Title IX. OCR has made it clear that Princeton must change its procedures to comply with Title IX and other applicable federal laws.

I requested guidance from a national law firm with significant experience and expertise in this arena, and the guidance I received is below. (I have omitted citations to OCR materials; I can provide them to faculty members upon request.)

***********************
This guidance pertains to legal requirements imposed on educational institutions under Title IX of the Education Amendments Act of 1972, the Jeanne Clery Act and Section 304 of the 2013 Reauthorization of the Violence Against Women Act (VAWA). Under this legal framework, educational institutions have an obligation to take effective action in response to sexual and gender-based harassment and violence, dating violence, domestic violence and stalking, regardless of whether the matter is reported to law enforcement. This requires educational institutions to implement comprehensive policies and procedures and utilize appropriately trained personnel.

The U.S. Department of Education’s Office for Civil Rights (OCR) is the federal agency with the authority to interpret and enforce Title IX. In this capacity, OCR is given substantial deference by courts in interpreting and enforcing the requirements of Title IX. Educational institutions that do not comply with these requirements may face enforcement proceedings, in which OCR may seek to suspend, terminate, or refuse to grant or continue federal financial assistance.
In recent years, OCR has directed educational institutions to review their sexual misconduct policies and procedures and make changes to comply with the requirements of Title IX, related legislation and current guidance. We would like to highlight some of these requirements.

First, in enforcing Title IX, OCR provides that educational institutions must adopt the preponderance of the evidence standard for proceedings addressing sexual harassment and violence. OCR has noted, “preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence,” and educational institutions “must use a preponderance-of-the-evidence (i.e., more likely than not) standard in any Title IX proceedings, including any fact-finding and hearings.” OCR has determined that if an educational institution addresses sexual misconduct in more than one type of proceeding (e.g., a Title IX grievance proceeding and a student discipline proceeding), each proceeding must use the preponderance standard.

Second, both Title IX and VAWA provide detailed and specific training requirements. OCR has emphasized that all investigators and adjudicators must have appropriate training and experience to respond to, investigate and adjudicate sexual and gender-based harassment and violence. OCR has noted that the training must cover “the school’s Title IX responsibilities to address allegations of sexual harassment or violence; how to conduct Title IX investigations; information on the link between alcohol and drug abuse and sexual harassment or violence and best practices to address that link; training all school law enforcement unit personnel on the school’s Title IX responsibilities and handling of sexual harassment or violence complaints; and training all employees who interact with students regularly on recognizing and appropriately addressing allegations of sexual harassment or violence under Title IX.” In addition, VAWA requires that educational institutions develop procedures to include a clear statement that “the proceedings be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”

Third, OCR has informed educational institutions [and has communicated to Princeton directly] that it discourages “allowing students to serve on hearing boards in cases involving allegations of sexual violence.”

Fourth, OCR has made clear that Title IX requires that both a complainant and a respondent have equal access to opportunities and rights in an institution’s policies and procedures, including the right to appeal.

Fifth, under VAWA, the complainant and the respondent must be afforded the same opportunities to be accompanied to disciplinary proceeding (and related meetings) by an advisor of their choice, and that advisor may be a lawyer.

Finally, it is important to note that an educational institution’s Title IX procedures are separate and distinct from criminal law procedures. Many of the protections that exist in criminal law do not apply to the Title IX context; this includes the right to a jury trial, the right against self-incrimination, the right to confrontation, the right to be protected from double
jeopardy, and a beyond a reasonable doubt standard of proof. OCR offers the following guidance on this issue:

**What are the key differences between a school’s Title IX investigation into allegations of sexual violence and a criminal investigation?**

**Answer:** A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. The U.S. Constitution affords criminal defendants who face the risk of incarceration numerous protections, including, but not limited to, the right to counsel, the right to a speedy trial, the right to a jury trial, the right against self-incrimination, and the right to confrontation. In addition, government officials responsible for criminal investigations (including police and prosecutors) normally have discretion as to which complaints from the public they will investigate.

By contrast, a Title IX investigation will never result in incarceration of an individual and, therefore, the same procedural protections and legal standards are not required. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the school’s Title IX obligations.

Please let me know if there are any additional issues that you believe it would be helpful to address.
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**Proposed Revision**

1.2 University-wide Conduct Regulations

1.2.1 Respect for Others

Respect for the rights, privileges, and sensibilities of each other is essential in preserving the spirit of community at Princeton. Actions which make the atmosphere intimidating, threatening, or hostile to individuals are therefore regarded as serious offenses. Abusive or harassing behavior, verbal or physical, which demeans, intimidates, threatens, or injures another because of personal characteristics or beliefs or their expression, is subject to University disciplinary sanctions as described above. Examples of personal characteristics or beliefs include but are not limited to sex, sexual orientation, gender identity, race, ethnicity, national origin, religion, and disability. Making tolerance of such behavior or submission to it a condition of employment, evaluation, compensation, or advancement is an especially serious offense. Procedures for resolving complaints or grievances on such matters are discussed under section 1.6 and 1.9.

Princeton University strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of discrimination, harassment, exploitation, or intimidation. As an intellectual community, it attaches great value to freedom of expression and vigorous debate, but it also attaches great importance to mutual respect, and it deplores expressions of hatred directed against any individual or group. The University seeks to promote the full inclusion of all members and groups in every aspect of University life.

Mutual respect requires special sensitivity to issues of race and ethnicity. Expressions of racial or ethnic bias directed at individuals or groups undermine the civility and sense of community on which the well-being of the University depends. They devalue the distinctive contributions of the individuals affected and impair their ability to contribute their views and talents to the community and to benefit fully from participating in it. By alienating those individuals, they harm the whole community. The University calls on all its members to display the appropriate sensitivity and to challenge expressions of racial or ethnic bias whenever they encounter them.

1.2.2 Discrimination, Bias, or Harassment (Based on a Protected Characteristic)

Discrimination against a person on the basis of his/her sex, race, creed, color, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation, or any other classification protected under applicable law is unlawful and in violation of this policy. The University expects all members of the University community, as well as its visitors, to be treated equally based on merit in all aspects related to its educational programs and activities, and in all aspects related to employment.
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At Princeton University, harassment is defined as unwelcome verbal or physical behavior which is directed at a person because of his/her race, creed, color, sex, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation, or other classification protected by applicable law, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

While each situation must be considered in light of the specific facts and circumstances to determine if a violation of this policy has occurred, the University is seriously committed to addressing and stopping all forms of discrimination and harassment. Procedures for resolving complaints or grievances relating to issues of harassment or discrimination are described under section 1.6 and 1.9.

The full text of the Nondiscrimination/Anti-Harassment Policy and Complaint Procedures, including examples of prohibited conduct, resources and options for addressing concerns, can be viewed online at: www.princeton.edu/diversity/policy/antiharassment. Members of the University community are expected to be familiar with and adhere to the regulations set forth in this policy.

1.2.3 Sexual Misconduct (including intimate relationship violence)

(This section will be deleted entirely and replaced by section 1.9)

1.6.5 Nonacademic Matters Involving Sexual Misconduct

See Section 1.2.3 section 1.9.

2.5 University Discipline

2.5.1 Jurisdiction

The Faculty-Student Committee on Discipline, comprising students, faculty members, and administrators, is responsible for the administration of the stated rules and regulations governing student conduct, for assessing reported violations, and, when necessary, for assigning and recommending appropriate penalties. All alleged academic violations involving undergraduates that do not implicate the honor system (section 2.3) fall under the jurisdiction of the Faculty-Student Committee on Discipline. (Alleged violations of academic rules and regulations involving graduate students fall under the jurisdiction of the Subcommittee on Student Life and Discipline of the Faculty Committee on the Graduate School. See section 2.6.7.) The Faculty-Student Committee on Discipline also adjudicates any other potentially serious alleged infraction (except allegations of sexual misconduct or sex discrimination; see section 1.9) involving graduate or undergraduate students for which the penalty might interrupt the student's
academic career. The committee also considers cases for which no clear precedent exists. Where a student is alleged to have committed a behavioral infraction for which precedents are available and for which the penalty will not interrupt the student's academic career, the Faculty-Student Committee on Discipline delegates jurisdiction to the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School. (See sections 2.5.3 and 2.6.7 regarding the resolution of infractions that do not result in separation.)

2.5.2 The Faculty-Student Committee on Discipline

Membership
The committee consists of the following voting members: six members of the faculty (no more than four of whom may be present during any hearing); a dean from the Office of the Dean of the College and a dean from the Office of the Dean of the Graduate School (only one of whom may be present during any hearing); eight undergraduate students; and five graduate students. (A maximum of five students may be present during any hearing. Generally, where an undergraduate student is charged, the case will be heard by undergraduate members of the committee; where a graduate student is charged, the case will be heard by graduate student members.) The dean of undergraduate students serves as chair and votes only in the event of a tie as set forth below, and an associate or assistant dean of undergraduate students or an associate or assistant dean of the Graduate School serves as secretary without vote. A quorum consists of at least three student members and at least two faculty members. The representative from the Office of the Dean of the College or from the Office of the Dean of the Graduate School shall have the duties and powers of the dean of undergraduate students in his or her absence.

Notice and Convening of Hearings
An assistant or associate dean will normally investigate alleged infractions under the jurisdiction of the Faculty-Student Committee on Discipline. Other representatives of the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School may assist in the investigation of such matters. Following the investigation, the student may obtain from the committee's secretary reports of the alleged misconduct and the names of the members of the committee. Matters shall be presented to the committee with all reasonable promptness. In all cases referred to the Committee on Discipline, the student involved will be informed in writing of the charge(s) and of the specific day and time when the student is to appear before the committee. Where a matter is first presented to the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School within one week of the end of an academic term, it may be held for consideration in the following term.
In exceptional circumstances, an undergraduate student whose case falls under the jurisdiction of the Faculty-Student Committee on Discipline may request that the dean of undergraduate students adjudicate the matter, waiving the right to a hearing by the committee. Likewise, a graduate student whose case falls under the jurisdiction of the Faculty-Student Committee on Discipline may request that the dean from the Office of the Dean of the Graduate School who serves on the committee adjudicate the matter, waiving the right to a hearing by the committee. If the dean agrees to hear the case, the student retains the right to appeal the decision except on procedural grounds. There are no procedural appeals in such cases.

Complaints of discrimination or harassment where the alleged behaviors are those of a student are normally investigated and resolved through the student disciplinary process, administered by the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School, as described in this section and in section 2.6.7. (Information relating to the University's Non-Discrimination/Anti-Harassment Policy and Complaint Procedures, including available resources and how to file a complaint under the policy, can be found at www.princeton.edu/diversity/policy/antiharassment). A report or a written complaint against a student should be filed with the associate or assistant dean responsible for disciplinary matters in the Office of the Dean of Undergraduate Students or the Office of the Dean of the Graduate School.

Disciplinary cases involving allegations of sexual misconduct or sex discrimination by a student (graduate or undergraduate) which may, if the student is found responsible, result in the student's separation from the University are investigated by an assistant or associate dean and adjudicated by a designated subcommittee of the Committee on Discipline (see section 2.7). Other representatives of the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School may assist in the investigation of such matters. If the alleged sexual misconduct violation is one for which separation from the University is not a likely outcome, it will be investigated and adjudicated in accordance with the procedures outlined in sections 2.5.3 and 2.6.7.) are investigated and adjudicated in accordance with the procedures outlined in section 1.9.

Enrollment and Residence Status

Normally, pending action on the charges by the committee or pending an appeal, the student will be permitted to remain in residence on campus, attend classes, and make use of some or all University facilities, except for circumstances relating to the physical or emotional safety or well-being of a member (or members) of the University community, or the ability of the University to carry out its essential functions.

The student should understand that if the committee’s decision proves adverse, or if an appeal proves unsuccessful, the decision of the committee will normally be considered effective as of the date of the original decision. In cases adjudicated prior to the last day of classes, if the final decision is a separation from the University (i.e., suspension, suspension with conditions, or expulsion), the student will normally not earn credit for
the semester in which the infraction occurred. If the case is adjudicated during reading or exam period or if the student has successfully completed course requirements while awaiting the final disposition of the matter, obtaining credit for the semester will be at the discretion of the committee.

Pending a hearing or the student's decision about whether to appeal a separation from the University or the withholding of the degree, and/or while an appeal is in process, an administrative hold will be placed on the student's University transcript. Should the student decide not to appeal a separation or the withholding of the degree, or should an appeal not result in an alteration of the committee's decision to dismiss the student or withhold his or her degree, the registrar will record the fact of the penalty on the student's transcript.

Conduct of Hearings

The student may be accompanied at the committee hearing by an adviser, who must be a current member of the resident University community, and who may participate in the same manner as the student in the hearing.

At the hearing, any person with information about the matter before the committee may be requested to appear by the student, the dean of undergraduate students, or the committee, subject to reasonable limits agreed on by the committee. The student has an opportunity to explain the circumstances from his or her point of view and may also question individuals who have provided information and may in turn be questioned by the committee members.

The student may invite one member of the resident University community, whose only role is to provide information about the character and qualities of the student, to speak on his/her behalf at the hearing. The student has the option of submitting additional statements in writing. Because the task of the committee is to determine whether there is clear and persuasive evidence of behavior that constitutes a violation of University policy, a student will not be disadvantaged by choosing not to invite a character witness or to submit written character statements.

The student may make a closing statement and is then excused while the committee deliberates in closed session.

There may be some occasions in which, because of external legal proceedings, the student believes that there are compelling reasons for refusing to speak or to answer questions. In the event that (1) legal proceedings—including but not limited to arrest, summons, and indictment—have been instituted or are anticipated against a student in state or federal courts as a result of his or her alleged involvement in the matters that the committee is considering and (2) the alleged misconduct is more serious than a disorderly person offense, the student will be granted permission not to speak or to answer questions without prejudicing the committee's decision. In the case of other external proceedings, the dean will consider the student's reasons for declining to
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speak, and if these reasons are deemed legitimate, will excuse the student from giving information without prejudice to the disposition of the case. In instances as set forth above, when a student has chosen not to speak and when in the dean's judgment the committee does not have enough information to come to a conclusion without the student's testimony, at the dean's discretion the hearing may be postponed until more complete information is available. In such instances, when the dean believes that circumstances are present that seriously affect the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the dean normally will bar the student from campus, pending disposition of the legal proceedings and recommencement of the hearing. This decision will be subject to review in accordance with section 1.1.7, and without prejudice to the committee's eventual consideration of the charges. If a hearing proceeds before external legal matters are resolved, the chair of the committee must explain to the student the risks either of speaking freely or of not speaking at all. Under no circumstances will a student whose disciplinary matter is pending receive a degree.

**Deliberations and Findings**

In order to determine that a student has violated a University rule, a majority of the voting committee members present must conclude that the evidence presented constitutes a clear and persuasive case in support of the charges against the student. If the student is found responsible for one or more of the violations charged, the committee will consult applicable rules and precedents to determine the proper penalty. If the student is found to have misled the committee during the hearing, the committee may take that fact into account in reaching a conclusion and assigning a penalty.

If the voting members are evenly divided on a particular case, the case must be reconsidered at the next meeting of the committee. If at the second meeting at which the case is considered the regular voting members are still evenly divided, the dean of undergraduate students votes to break the tie.

The chair or the secretary of the committee informs the student promptly of the decision. If a penalty is imposed, special effort is made in this discussion to ensure that the student fully understands why the penalty was imposed and its nature and consequences. The student has the right to receive a summary report of the proceedings upon request.

**Appeals in Graduate and Undergraduate Behavioral Cases**

If a student is found by the Committee on Discipline or its Subcommittee on Sexual Misconduct to have violated University policy, the student found responsible (sometimes referred to as the "respondent") has the right to appeal the decision. Any and all appeals of decisions in behavioral (i.e., nonacademic) cases will be referred to a
three-person appellate body comprised of the dean of the college, the dean of the Graduate School and the chairman of the Judicial Committee of the Council of the Princeton University Community. Grounds for appeal are:

1) The procedures have not been fair and reasonable. The period of time under review starts when a student is formally charged with a violation and ends when the committee or subcommittee issues a final decision. Neither the choice of venue nor the nature of the investigation is grounds for appeal.

2) There exists substantial relevant information that was not presented, and reasonably could not have been presented to the committee or subcommittee.

3) The imposed penalty does not fall within the range of penalties imposed for similar misconduct.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate body may decide to uphold the original decision of the committee or subcommittee; to reduce the imposed penalty; or to return the case to the original hearing body for additional proceedings, a rehearing or other action. If modifications are made the appellate body will consult with the Vice President for Campus Life before issuing its final decision.

The deadline for filing an appeal in either a behavioral or academic case is one week from the date of decision by the Faculty-Student Committee on Discipline.

**Appeals in Undergraduate Academic Cases**

An undergraduate wishing to appeal a decision of the Committee on Discipline in a case involving an academic infraction may appeal to the dean of the college, seeking a review of a decision or penalty on the grounds that (1) there exists substantial relevant information that was not presented, and reasonably could not have been presented, to the Faculty-Student Committee on Discipline, or (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. The purpose of such an appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of rules has occurred. If the dean concludes after such a review that additional proceedings or a rehearing is warranted, the original hearing body will normally perform these functions. Also, if the dean determines that a penalty of the Faculty-Student Committee on Discipline (or the dean of undergraduate students) should be altered, the dean will make a recommendation to the president, describing the reasons for the proposed modification, and the president will decide whether or not to implement the recommendation. A penalty cannot be increased on appeal.

A student has the right to appeal questions of procedural unfairness only to the Judicial Committee of the Council of the Princeton University Community, in accordance with the appeal procedures defined by the Judicial Committee (see section 1.8.4).
The associate secretary of the University will serve as secretary for all appeals of
decisions by the Committee on Discipline or its subcommittee and will have primary
responsibility for interactions with the parties and for the gathering of information
needed for the appeal.

The deadline for filing an appeal in either a behavioral or academic case is one week
from the date of decision by the Faculty-Student Committee on Discipline.

2.5.3 Adjudication of Infractions That Do Not Result in Separation (Undergraduate)

General Procedures
Normally, if a student is alleged to have committed an infraction, other than sex
discrimination or sexual misconduct, for which precedents are available and for which
the penalty will not interrupt the student's academic career, the matter will be resolved
by the Residential College Disciplinary Board (RCDB), comprising associate deans of
undergraduate students responsible for discipline and the six directors of student life.
General procedures are as follows:

The student will first be asked to meet with the appropriate director of student life. All
complaints will be investigated promptly. The student may read all statements, reports,
or other information relevant to the allegation. The facts of the case will be discussed
and the student given ample opportunity to present his or her account of the incident in
question, including a written account, witnesses, or other relevant information, or to
request clarification of any relevant information submitted by other parties. The student
will be notified of the specific violation he or she is alleged to have committed prior to
the conclusion of the investigation.

The director of student life will then bring the case, with a recommendation regarding
the student's responsibility for the alleged infraction, to the RCDB. The RCDB will
determine the appropriate action, up to and including disciplinary probation (including
housing and/or campus service sanctions or other restrictions on access to space,
resources, or activities).

Other representatives of the Office of the Dean of Undergraduate Students may assist in
the investigation and/or resolution of minor infractions.

Appeals
A student has the right to appeal to the dean of undergraduate students any disciplinary
decision of the Residential College Disciplinary Board. The appeal should be submitted in
writing. The purpose of the appeal is to seek a review of a decision or penalty on the
grounds that (1) there exists substantial relevant information that was not presented,
and reasonably could not have been presented, to the dean or the RCDB; (2) the
imposed penalty does not fall within the range of penalties imposed for similar
misconduct; or (3) a procedural irregularity occurred in the adjudication of the incident
in question. The purpose of such an appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of rules has occurred. The deadline for filing such an appeal is one week from the date the student was informed in writing of the penalty. The decision of the dean of undergraduate students shall be final.

2.5.4 Records of Proceedings (Undergraduate)
Confidential records of all disciplinary proceedings involving graduate students are maintained by the Office of the Dean of the Graduate School. The use of these documents is restricted according to the rules and procedures concerning the confidential nature of student records.

Disciplinary procedures normally involve only the student and the University. Generally, the student's family is not informed while disciplinary procedures are underway. When, however, in the judgment of the University the welfare of the student or the community warrants communication, family members may be contacted during the disciplinary process. All disciplinary decisions resulting in serious penalties (especially, but not exclusively, withholding of degree, suspension, suspension with conditions, and expulsion) will be communicated to the student's family or other legal guardian, unless the student has before the commencement of the term in question filed a statement certifying that he or she is not financially dependent as defined by the federal income tax laws.

2.5.5 Penalties
Penalties that may be applied by all University disciplinary bodies are set forth under section 1.1 "University-Principles of General Conduct and Regulations."

2.5.6 Grievance Procedures
Students are also afforded certain protections under federal and state laws, and may elect to file a harassment or discrimination complaint with a federal or state agency authorized to investigate such complaints. The appropriate agency will depend on the nature of the complaint and the status of the parties involved. One such agency is the United States Department of Education, Office for Civil Rights.

Information concerning grievance procedures is available under section 1.6.

2.6.7 The Graduate School Judicial System

As members of the University community, graduate students are bound by the rules and procedures described in the sections "1. University-wide Regulations" and "2. Students and the University." All dormitory regulations are applicable to graduate students who reside in the undergraduate residential colleges, and the Graduate College and Annexes.
In all academic matters, graduate students are governed by the presumption that their academic work is held to the highest standards of research and scholarship, and all forms of academic fraud, including plagiarism, multiple submission, false citation, and the use of false data, are regarded as serious violations and will be subjected to disciplinary action. Allegations concerning academic fraud should not be handled informally or at the departmental level but must be brought as soon as possible, as a complaint either by a graduate student or against a graduate student, to the attention of the dean of the Graduate School. For definitions of academic violations, refer to section 2.4.7.

**Academic Disciplinary Procedures**

When the Office of the Dean of the Graduate School has been informed of an academic charge against a graduate student, the student is immediately notified by the associate or assistant dean of the impending investigation.

Alleged infractions of a less serious nature, for which precedents exist and for which penalties will not interrupt the student's academic career, are normally investigated and resolved by the associate or assistant dean. Other representatives of the Office of the Dean of the Graduate School may assist in the investigation of such matters. All complaints will be investigated promptly. The student may read all statements, reports, or other information relevant to the allegation. The facts of the case will be discussed and the student given ample opportunity to present his or her account of the incident in question, including a written account, witnesses, or other relevant information, or to request clarification of any relevant information submitted by other parties. The student will be notified of the specific violation he or she is alleged to have committed prior to the conclusion of the investigation. The hearing dean will encourage the student to seek the advice of a resident faculty member or academic administrator. The associate or assistant dean will determine appropriate action, up to and including disciplinary probation.

If the complaint is of a more serious nature, one for which separation from the University is a possible outcome, the associate or assistant dean will request all parties and witnesses to prepare written accounts of the event(s) in question. If appropriate, the matter will then be referred to the dean of the Graduate School who is advised, in accordance with the Rules and Procedures of the Faculty, by the Subcommittee on Student Life and Discipline of the Faculty Committee of the Graduate School. The subcommittee consists of the dean of the Graduate School, ex officio, as chair, the assistant or associate dean as secretary (without vote), and four members of the Graduate School Faculty Committee. The subcommittee may be enlarged, at the student's request, by four graduate students, selected at random. The subcommittee will: (a) conduct a fact-finding inquiry that may include written statements and interviews (the graduate student may submit to the subcommittee a list of witnesses he/she seeks to have testify); (b) conduct a closed hearing, which the charged student may attend; and, (c) make recommendations including suggested penalties, if
appropriate, to the dean of the Graduate School. While the length of the process will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, an effort will be made to conclude the process within 45 working days of receipt of the complaint.

In general, the procedures of the Subcommittee are analogous to the "General Procedures" of the Judicial Committee of the CPUC (see section 1.8). It should be noted, however, that the subcommittee always holds closed hearings. Moreover, since cases vary widely, their disposition will inevitably depend upon the nature of the alleged infraction. For instance, since cases often involve students who are not presently, or are no longer, in residence, the student's presence at the proceedings is not an absolute requirement as long as the student has personally received adequate notification and been given reasonable opportunity to submit a written response to the charges. (In such cases students who are unable to be present may, at their request, be represented by an adviser who is a current member of the resident University community, and who may participate in the same manner as the student in the hearing. The subcommittee does not deal with outside counsel.) The nature of the evidence, as well as the pursuit of the inquiry, will inevitably depend upon the nature of the alleged infraction. The student always has the right to appear before the subcommittee with or without an adviser as defined above. In every case the subcommittee proceeds with an appropriate regard for fair process, deliberate speed, and satisfactory records. In order to find that a student has violated a University rule, the subcommittee must be persuaded that the charges against the student are supported by clear and persuasive evidence.

Following its investigation and hearing, the subcommittee presents its advice in the form of a recommendation to the dean, who, observing fair process and deliberate speed, normally accepts it (but is not bound to do so). The student is notified by the dean in writing of the subcommittee's recommendation and the dean's action, and is also informed of his or her rights of appeal and the appropriate procedures.

Confidential records of all proceedings and of the actions of the deans are maintained by the office of the dean. The use of these documents is restricted, according to the rules and procedures concerning the confidential nature of student records.

The dean of the Graduate School may, in some instances, refer the case back to the academic department for resolution upon the advice of the associate or assistant dean, or the subcommittee.

In exceptional circumstances, a student whose case falls under the jurisdiction of the Subcommittee on Student Life and Discipline may request that the dean of the Graduate School alone adjudicate the matter, waiving the right to a hearing by the subcommittee. If the dean agrees to hear the case, the student retains the right to appeal the decision except on procedural grounds. There are no procedural appeals in such cases.

In the case of unenrolled students whose degree candidacy continues, these procedures
are valid in the appropriate cases when academic fraud is involved.

**Appeal on Academic Disciplinary Matters**

The purpose of an appeal is to seek a review of a decision or penalty on the grounds that (1) there exists substantial relevant information that was not presented, and reasonably could not have been presented; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct; or (3) a procedural irregularity occurred in the adjudication of the incident in question. The purpose of such an appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of rules has occurred.

For less serious infractions, if a student is not satisfied with the finding of the associate or assistant dean, he or she may appeal the decision to the dean of the Graduate School. The deadline for filing such an appeal is one week from the date of written notification of the original decision. The student should understand that, in hearing the appeal, the dean of the Graduate School is not bound in any way by the prior decision of the associate or assistant dean and that, after reviewing the facts, the dean of the Graduate School may impose a greater or lesser penalty than that originally imposed by the associate or assistant dean. The appeal should be submitted in writing. The decision of the dean of the Graduate School shall be final.

For more serious infractions, a student wishing to appeal decisions of the dean of the Graduate School should notify the dean of the faculty in writing to that effect, specifying the grounds of his or her appeal, not later than one week (during which the University is in session) after receipt of the written notice of the decision which the student wishes to appeal. The dean of the faculty shall transmit the student's written statement and any other relevant material directly to the Advisory Committee on Policy and report the transmittal to the faculty at its next meeting. The Advisory Committee on Policy shall determine whether or not the grounds of appeal are sufficient to warrant a hearing. If it decides that they are, the committee may appoint a special panel to consider the individual case and make a report with recommendations to the Advisory Committee on Policy, or it may itself hear the appeal. In all cases, the decision of the Advisory Committee on Policy shall be final.

**Nonacademic Disciplinary Procedures**

When the Office of the Dean of the Graduate School has been informed of a nonacademic (behavioral) charge against a graduate student, the student is immediately notified by the associate or assistant dean of the impending investigation.

The Faculty-Student Committee on Discipline will adjudicate all allegations of behavioral infractions, *except for sex discrimination and sexual misconduct*, by graduate students that might, if the student is found responsible, reasonably result in the student’s separation from the University or for which no clear precedent exists. Such cases are
investigated and prepared in accordance with the procedures described in section 2.5.2.

Alleged infractions of a lesser nature, other than sex discrimination and sexual misconduct, for which precedents exist and for which penalties will not interrupt the student’s academic career, are normally investigated and resolved by the associate or assistant dean. Other representatives of the Office of the Dean of the Graduate School may assist in the investigation of such matters. All complaints will be investigated promptly. The student may read all statements, reports, or other information relevant to the allegation. The facts of the case will be discussed and the student given ample opportunity to present his or her account of the incident in question, including a written account, witnesses, or other relevant information, or to request clarification of any relevant information submitted by other parties. The student will be notified of the specific violation he or she is alleged to have committed prior to the conclusion of the investigation. The associate or assistant dean will determine appropriate action, up to and including disciplinary probation (including housing and/or campus service sanctions or other restrictions on access to space, resources, or activities).

Complaints of harassment or discrimination where the alleged behaviors are those of a graduate student are normally investigated and resolved through the student disciplinary process, administered by the Office of the Dean of the Graduate School and described in this section and in section 2.5.2. (Information relating to the University's Nondiscrimination/Anti-Harassment Policy and Complaint Procedures, including available resources and how to file a complaint under the policy, can be found at www.princeton.edu/diversity/policy/antiharassment/.) A report or written complaint of harassment or discrimination against a graduate student should be filed with the associate or assistant dean responsible for nonacademic (behavioral) disciplinary matters in the Office of the Dean of the Graduate School. The graduate student will be notified by the associate or assistant dean of the impending investigation and provided a statement concerning the charge and the procedures governing the investigation. The graduate student is invited to submit a written response to the charge. If the complaint is one for which separation from the University is not a likely outcome, the associate or assistant dean will investigate, issue findings, and take remedial action as necessary. If separation from the University is a possible outcome, the matter will be referred to the Committee on Discipline. (See section 2.5)

Disciplinary cases involving allegations of sex discrimination or sexual misconduct by a graduate student which may, if the student is found responsible, result in the student's separation from the University are investigated by an assistant or associate dean and adjudicated by a designated subcommittee of the Committee on Discipline (see section 2.7). If the alleged sexual misconduct violation is one for which separation from the University is not a likely outcome, it will be investigated and resolved by an associate or assistant dean. Other representatives of the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School may assist in the investigation of such matters. Complaints are resolved in accordance with the procedures described above for resolving lesser infractions.
Adjudicated in accordance with the procedures outlined in section 1.9.

In the case of unenrolled students whose degree candidacy continues, these procedures are valid in the appropriate cases.

**Appeal on Nonacademic Disciplinary Matters**

The purpose of an appeal is to seek a review of a decision or penalty on the grounds that (1) there exists substantial relevant information that was not presented, and reasonably could not have been presented; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct; or (3) a procedural irregularity occurred in the adjudication of the incident in question. The purpose of such an appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of rules has occurred.

For less serious infractions, if the student is not satisfied with the associate or assistant dean's finding, he or she may appeal the decision to the dean of the Graduate School. The deadline for filing such an appeal is one week from the date of the original decision. The student should understand that, in hearing the appeal, the dean of the Graduate School is not bound in any way by the prior decision of the associate or assistant dean and that, after reviewing the facts the dean of the Graduate School may impose a greater or lesser penalty than that originally imposed by the associate or assistant dean. The appeal should be submitted in writing. The decision of the dean of the Graduate School shall be final.

For more serious infractions, if the respondent is found to have violated University policy, the respondent also has the right to appeal the decision of the Faculty-Student Committee on Discipline or its Subcommittee on Sexual Misconduct. Any and all appeals will be referred to a three-person appellate body comprised of the dean of the College, the dean of the Graduate School and the chair of the Judicial Committee of the CPUC. The deadline for filing the appeal is one week from the date of the decision by the Faculty-Student Committee on Discipline or its Subcommittee on Sexual Misconduct (see section 2.5).

**Penalties**

The range of possible penalties available to the dean of the Graduate School in academic cases and to the Committee on Discipline and its Subcommittee on Sexual Misconduct in behavioral cases include the seven penalties specified in section 1.1.6 under "University-wide Regulations." It may also include revocation of the degree in cases involving students who have already left the University. Should the recommended penalty interrupt the student's academic career, the dean of the Graduate School will consult with the student's department before reaching a final decision in all academic disciplinary matters. Minor offenses adjudicated by the associate or assistant dean may result in a warning, disciplinary probation or disciplinary probation with censure.
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Campus service, University housing restrictions or restrictions on access to space, resources, or activities may be added to any penalty.

Enrollment and Resident Status

Normally, pending action on the charges by the dean of the Graduate School, the Committee on Discipline, or its Subcommittee on Sexual Misconduct or pending an appeal, the student will be permitted to remain in residence on campus, attend classes, and make use of all University facilities, except when the dean believes that circumstances are present that seriously affect the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired. In such circumstances, the dean normally will bar the student from campus. This decision will be subject to review in accordance with section 1.1.7, and without prejudice to the eventual adjudication of the charges.

The student should understand that if the decision of the dean or the Committee on Discipline, or its Subcommittee on Sexual Misconduct proves adverse, or if an appeal proves unsuccessful, the decision of the dean or committee or subcommittee will normally be considered effective as of the date of the original decision.

Pending a hearing or the student's decision about whether to appeal a separation from the University or the withholding of the degree, and/or while an appeal is in process, an administrative hold will be placed on the student's University transcript. Should the student decide not to appeal a separation or the withholding of the degree, or should an appeal not result in an alteration of the committee's decision to dismiss the student or withhold his or her degree, the registrar will record the fact of the penalty on the student's transcript.

Records of Proceedings

Confidential records of all disciplinary proceedings involving graduate students are maintained by the Office of the Dean of the Graduate School. The use of these documents is restricted according to the rules and procedures concerning the confidential nature of student records.

Graduate Student Grievances

The Office of the Dean of the Graduate School normally handles in the first instance all grievances of graduate students. The associate or assistant dean of the Graduate School advises graduate students as to where their grievances may be addressed, e.g., against an undergraduate, to the dean of undergraduate students; against a faculty member, to the dean of faculty; or against a staff member, to the Office of Human Resources.

A graduate student with a grievance concerning academic standing (e.g., early
termination from the program but excluding academic disciplinary matters, as defined above) should first attempt to resolve the grievance at the departmental level through discussions with the faculty member(s) concerned and/or the department chair and director of graduate studies. This applies also to graduate students serving as assistants in instruction or assistants in research. If the student feels that a satisfactory resolution has not been found, he or she should consult the associate or assistant dean of the Graduate School for academic affairs for further review. If a satisfactory resolution cannot be found through this review, the student may request a final review by the dean of the Graduate School. The dean of the Graduate School will render a decision as expeditiously as possible on all aspects of the complaint unless he or she determines that the grievance raises issues of faculty misconduct, in which case the dean should refer those portions of it to the dean of the faculty. When considering the grievance, the dean of the Graduate School may proceed in consultation with, or upon the advice of, the appropriate subcommittee of the Faculty Committee on the Graduate School (the Subcommittee on Policy or the Subcommittee on Student Life and Discipline). The dean of the faculty resolves any issues related to faculty misconduct and may, at his or her discretion, choose to appoint a special committee of faculty to advise with regard to those issues.

Students are also afforded certain protections under federal and state laws, and may elect to file a harassment or discrimination complaint with a federal or state agency authorized to investigate such claims. The appropriate agency will depend on the nature of the complaint and the status of the parties involved. One such agency is the United States Department of Education, Office for Civil Rights. Information concerning grievance procedures is available under section 1.6.

**2.7 Complaints of Sexual Misconduct**

The Faculty-Student Committee on Discipline's Subcommittee on Sexual Misconduct will adjudicate disciplinary cases involving allegations of sexual misconduct by a graduate student or an undergraduate that might, if the student is found responsible, reasonably result in separation from the University or for which no clear precedents exist (see section 2.5). The subcommittee, comprising two faculty members and two students from the Faculty-Student Committee on Discipline, is chaired by the dean of undergraduate students who votes only in the event of a tie. (Generally, undergraduates will hear cases involving an undergraduate respondent and an undergraduate complainant; graduate students will hear cases involving a graduate student respondent and a graduate student complainant; one undergraduate and one graduate student will hear cases involving a graduate student respondent and an undergraduate complainant or vice versa.) In the absence of the dean of undergraduate students, the subcommittee will be chaired by the representative from the Office of the Dean of the College or the Office of the Dean of the Graduate School. An associate or assistant dean of the Graduate School or of undergraduate students serves as secretary without vote. The
The subcommittee will conduct a fact-finding hearing and decide if University regulations have been violated and, if so, determine the appropriate penalty.

In general, procedures in subcommittee cases are analogous to those followed in cases under the jurisdiction of the full Faculty-Student Committee on Discipline (see section 2.5.2). Additional details regarding investigation and hearing procedures and the rights of individuals involved in the student discipline process are available through the Office of the Dean of Undergraduate Students and the Office of the Dean of the Graduate School. Information specific to sexual misconduct cases can be found online for undergraduate students at www.princeton.edu/odus/standards/sexual-misconduct and for graduate students at www.princeton.edu/gradschool/studentlife/complaint_resolution/sexual_misconduct.

If the alleged sexual misconduct violation is one for which separation from the University is not a likely outcome, it will be investigated and adjudicated in accordance with the procedures outlined in sections 2.5.3 for undergraduate students and 2.6.7 for graduate students.
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Proposed Revisions

NONDISCRIMINATION/ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURES

(August 2013(September 2014)

Princeton University is committed to creating and maintaining an educational, working, and living environment free from discrimination and harassment as described in this policy. Princeton University's policy prohibits such discrimination and harassment and applies to everyone in the University community.

All members of the University community should know:

(i) what type of conduct constitutes prohibited discrimination and/or harassment;

(ii) the resources and processes available for addressing and resolving discrimination and harassment complaints;

(iii) the mechanisms for determining whether this Policy has been violated; and

(iv) if a violation has occurred, the mechanisms for determining an appropriate resolution.

I. DEFINITIONS

A. Discrimination based on protected characteristics in the educational setting/working environment:

Discrimination against a person on the basis of his/her race, creed, color, sex, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation, or any other characteristic protected under applicable law is unlawful and in violation of this Policy. The University expects all members of the University community, as well as its visitors, to be treated equally based on merit in all aspects related to its educational programs and activities, and in all aspects related to employment.

Listed below are examples of conduct that can constitute discrimination if based on an individual's protected characteristic. This list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if discrimination has occurred.

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase) because of his or her protected characteristic
- Failing or refusing to hire or admit an individual because of his/her protected characteristic
- Terminating an individual from employment or an educational program based on his/her protected characteristic

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1. The Nondiscrimination/Anti-Harassment Policy and Complaint Procedures are separate from the University's Procedures for Filing a Title IX Grievance with the Vice Provost for Institutional Equity and Diversity.
B. **Sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking and intimate partner violence:**

Sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence, is defined by and prohibited under the University's policy and disciplinary procedures for Sex Discrimination and Sexual Misconduct, which can be found in Rights, Rules, Responsibilities, section 1.9 (link). In any circumstance involving an allegation of sex or gender discrimination, Rights, Rules, Responsibilities 1.9 supersedes this policy.

B. **Sexual harassment in the educational setting/working environment:**

Under this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of these behaviors is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or

2. Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or

3. These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute sexual harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if sexual harassment has occurred.

- Pressure for sexual activity or sexual favors;
- Unwelcome touching of a person’s body, hair or clothing;
- Unwelcome sexual jokes or comments (including favorable comments about someone’s gender, body, clothing, appearance, etc.);
- Disparaging remarks to a person about his/her gender or body;
- Asking about a person’s sexual fantasies or sexual activities;
- Repeatedly asking for a date after the person has said “no”;
- Nonverbal behavior, such as making sexual gestures with hands or through body movements;
- Displaying sexually explicit posters or pictures; and
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy.

Sexual harassment can occur in a variety of circumstances, including between individuals of the same sex, regardless of their sexual orientation. The victim can be anyone affected by the offensive conduct, even if not harassed directly. The harasser can be a non-University individual, such as an outside vendor or other third party.

**Note:** Sexual or romantic relationships involving individuals in a teacher-student relationship (e.g., being directly or indirectly taught, supervised or evaluated) can create a conflict of interest, raise perceptions of favoritism or unequal treatment, and violate the University’s Consensual Relations with Students Policy.

**Note:** Consensual sexual or romantic relationships involving individuals in a supervisor-subordinate employment relationship (e.g., being directly or indirectly supervised or evaluated) can create a conflict of
interest that violates the University's Nepotism and Personal Relationships in the Workplace Policy.

C. Harassment based on other protected characteristics in the educational setting/working environment:

At Princeton University, harassment is defined as unwelcome verbal or physical behavior which is directed at a person because of his/her race, creed, color, sex, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation or other characteristic protected by applicable law, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute such harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to a person about a legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy; and
- Stereotyping.

D. Anti-Harassment Policies and Freedom of Speech/Expression

The University’s policies and procedures relating to harassment are not intended to inhibit or restrict free speech or the expression of ideas. The University’s policy on Respect for Others, which can be found in Rights, Rules, Responsibilities, section 1.2.1, states: “Princeton University strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of discrimination, harassment, exploitation, or intimidation. As an intellectual community, it attaches great value to freedom of expression and vigorous debate, but it also attaches great importance to mutual respect, and it deplores expressions of hatred directed against any individual or group. The University seeks to promote the full inclusion of all members and groups in every aspect of University life.”

II. ROLES AND RESPONSIBILITIES

A. It is the responsibility of the Provost's Office to coordinate the dissemination of information and educational and training programs to: (1) assist members of the University community in understanding what behavior is prohibited; (2) make clear that discrimination and harassment are prohibited under University policy, (3) ensure investigators are trained to respond to and investigate complaints of discrimination and harassment; and (4) ensure faculty, staff and students are aware of the procedures for addressing complaints of discrimination and harassment.

B. It is the responsibility of deans, department chairs, department heads and program/center directors and managers (i.e., those who formally supervise other employees),
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to:

• inform employees under their direction or supervision of the Nondiscrimination/Anti-Harassment Policy;

• notify the appropriate Harassment/Discrimination Resolution Facilitator listed in Point III.D. below (i.e., the Offices of the Dean of Faculty or Human Resources, or student deans) promptly when they receive reports, witness or otherwise learn of complaints of discrimination and/or harassment; and

• implement any corrective actions that are imposed as a result of findings of discrimination and/or harassment.

C. It is the responsibility of all employees to review the Nondiscrimination/Anti-Harassment Policy and comply with it.

D. It is the responsibility of all students to review the Nondiscrimination/Anti-Harassment Policy and comply with it.

E. When the University is aware that a member of the University community may have been subjected to or affected by discriminatory and/or harassing behavior, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate action to stop the discrimination and/or harassment. The course of action taken by the University, including any disciplinary penalty, will depend on the particular facts and circumstances involved.

III. OPTIONS FOR ADDRESSING HARASSMENT AND/OR DISCRIMINATION

The University encourages everyone to report all incidents of harassment and discrimination. When you feel you are being harassed and/or discriminated against you can:

A. Tell the person who is harassing you or treating you unfairly to stop, in writing or in person. (The University recognizes that in certain instances such action may not be appropriate or advisable. In these instances you may seek assistance from the individuals designated below, or contact the Director for Equal Opportunity Programs/Institutional Equity and EEO at 609-258-8504, or the Vice Provost for Institutional Equity and Diversity, who also serves as the University’s Title IX Coordinator, and ADA/Section 504 Coordinator, at 609-258-6110.)

B. Seek a confidential consultation from SHARE, the University Health Services Counseling Center, the Ombuds Office, Carebridge (the employee assistance program provider), or chaplains in the Office of Religious Life. These confidential resources are not authorized to engage in fact-finding or take action on behalf of the University; nor will they maintain formal or detailed records of confidential consultations. If after speaking with a confidential resource you do not wish to initiate an internal complaint, the confidential resource will take no action. If you do wish to make a complaint, these individuals are knowledgeable about the University’s Nondiscrimination/Anti-Harassment Policy and will put you in touch with an appropriate University administrator.

C. Tell someone. You can speak with your manager, a higher manager in your reporting line, department chair, department head, appointed mentor, directors of student life, an assistant or associate dean, the directors of the LGBT, Women’s, International or Carl A. Fields Centers, or human resources personnel. These individuals are knowledgeable about the University’s Nondiscrimination/ Anti-Harassment Policy and will put you in touch with an appropriate University administrator.
D. **Meet with a Harassment/Discrimination Resolution Facilitator.** In our diverse community, disagreements and conflicts of varying degrees of seriousness are inevitable. Many issues are best resolved informally by direct communication between the individuals involved or with the assistance of a resolution facilitator. These resolution facilitators will assess the matter, engage in fact-finding, and seek to resolve the matter at the lowest possible level.

The following members of the University community stand ready to discuss available options for addressing and resolving concerns:

- **For Undergraduate Students:** Associate Deans of Undergraduate Students or Directors of Student Life (609-258-3054)
- **For Graduate Students:** Associate Deans of the Graduate School (609-258-3030)
- **For Faculty or Dean of Faculty Staff:** Associate Deans of the Faculty (609-258-3096)
- **For Human Resources Staff:** Senior Human Resources Managers, Human Resources Generalists, or the Executive Director of Client Services (609-258-3300)
- **For Princeton Plasma Physics Laboratory Staff:** Director of Human Resources (609-243-2224)

E. **File a written internal complaint.** If the matter cannot be resolved through one of the above approaches or the complainant chooses not to pursue one of the above methods, students, faculty or staff may file a written complaint, as detailed in Point IV below.

**Note:** The University encourages prompt reporting of complaints because late reporting may limit the University’s ability to investigate and respond to conduct. However, the University will respond to late reports in accordance with this Policy.

**IV. WRITTEN INTERNAL COMPLAINT: COMPLAINT REPORTING, PRELIMINARY REVIEW OF COMPLAINT, INVESTIGATION AND RESOLUTION**

**A. The following applies in those instances when a written complaint is lodged against any member of the University community other than a student.** For complaints lodged against a student, see IV.B below.

**For any complaint alleging sex or gender discrimination, including sexual misconduct, see Rights, Rules, Responsibilities 1.9 [link], which supersedes this policy.**

1. **Complaint Reporting**

Any member of the University community who believes she/he has been subjected to harassment or has observed harassment to others, or who feels that she/he has been discriminated against or has observed the discrimination of others, may submit a written complaint to the any of the individuals listed below (or may choose to utilize the attached complaint form):

- **Senior Human Resources Managers or the Executive Director of Client Services** in the **Office of Human Resources**
- **Residential College Deans or Directors of Student Life** in the **Office of the Dean of the College**
- **Associate Dean of Student Life** in the **Office of the Dean of Undergraduate Students**
- **Associate Dean of Student Life** in the **Office of the Dean of the Graduate School**
- **Associate Deans of the Faculty** in the **Office of the Dean of the Faculty**
- **Director for Human Resources** in the **Princeton Plasma Physics Laboratory**
- **Director for Equal Opportunity Programs** in the **Office of Institutional Equity and EEO** or **Vice Provost for Institutional Equity and Diversity** in the **Office of the Provost**

The written complaint should identify the parties involved; describe the harassing or discriminatory behavior, including when and where it occurred; and identify by name or description any witnesses.
Written complaints should be treated as confidential and should be provided directly and only to the appropriate designated individual as listed above.

2. **Interim Steps**

When appropriate, prior to or during the investigation, the Provost's Office may recommend to the appropriate University official that interim steps be taken to protect the safety and well-being of members of the University community.

3. **Investigation Process**

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint and to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes discrimination and/or harassment. The formal complaint process allows individuals to submit their complaint to one of many offices, although the requisite fact finding will typically be conducted by the office that has responsibility for the accused. The investigator (or co-investigators, as necessary) will conduct a fact-finding inquiry that may include written statements, interviews and any other sources the investigator deems appropriate. During the course of the investigation, the investigator may receive counsel from the Provost's Office, the Office of the General Counsel, or other parties as needed.

While the length of an investigation will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, the investigator will seek to conclude the investigation within 45 working days of receipt of the complaint.

**Note:** Princeton University expects faculty, staff and other members of the University community to cooperate fully in the investigation process. Any faculty or staff member who is the subject of, or potential witness regarding, a discrimination or harassment complaint and refuses to cooperate in an investigation is subject to discipline, up to and including termination of employment.

**Note:** Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys or other outside advocates, are neither appropriate nor permitted during the investigation process.

4. **Complaint Resolution**

At the conclusion of the investigation, the investigator will prepare a written report. The report will explain the scope of the investigation and whether any allegations in the complaint were substantiated. The written report will be submitted to the appropriate Dean (in most instances the Dean of the Faculty) or Vice President (in most instances the Vice President for Human Resources) and to the Provost’s Office.

The Dean/VP to whom the report is submitted may accept the report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation. The Dean/VP or their designee will, for both parties involved (the person who filed the written complaint as well as the person whose behavior is being investigated), summarize the findings (see range of findings below).

**Finding of “No Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

If there is a determination that the behavior investigated did not violate the Nondiscrimination/Anti-Harassment Policy, both parties will be so informed. Neither party may appeal such a finding. If
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retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

**Finding of “Inappropriate Behavior Not Rising to the Level of a Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

There may be a determination that the behavior was inappropriate and unprofessional but did not rise to the level of violating the Nondiscrimination/Anti-Harassment Policy. Such inappropriate behavior may merit discipline, ongoing monitoring, coaching, or other appropriate action. Neither party may appeal such a finding. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

**Finding of “Violation” of the University’s Nondiscrimination/Anti-Harassment Policy**

If there is a determination that the behavior did violate the Nondiscrimination/Anti-Harassment Policy, the Dean/VP, in consultation with the appropriate manager or department head, will determine the appropriate corrective actions to be taken. In addition, where appropriate, the Dean/VP/Provost may implement measures to ensure that the person who filed the complaint is not subjected to further discrimination or harassment, and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps, at the discretion of the University, may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the accused, including a written warning, financial penalty, suspension, demotion or termination in accordance with University policy. The process for appealing such a finding is set forth in Section VI below.

The University’s ability to discipline an individual who is not an employee or student (such as a vendor or contractor) is limited by the degree of control, if any, the University has over such individual. Nonetheless, the University will seek to take appropriate action in response to violations of this Policy.

**B. The following applies in those instances when a complaint is lodged against an undergraduate or graduate student.**

When an individual seeks the University to take disciplinary action against an undergraduate student or a graduate student for violating University harassment or discrimination policies (including the sexual misconduct policy), the individual may make a complaint at the Office of the Dean of the Undergraduate Students (if the respondent is an undergraduate student) or at the Office of the Dean of the Graduate School (if the accused is a graduate student). The student disciplinary process is separate from the University’s Title IX Grievance process.

*For any complaint alleging sex or gender discrimination, including sexual misconduct, see Rights, Rules, Responsibilities 1.9 (link), which supersedes this policy.*

If the complaint is one for which separation from the University is not a likely outcome, the Associate Dean or, in the case of a student living in a residential college, the Director of Student Life will investigate, issue findings, and take remedial action as necessary.

If the complaint is of a more serious nature, and one for which separation from the University is a possible outcome, all parties and witnesses will be asked to prepare written accounts of the event(s) in question and, if appropriate, the matter will be referred to the Faculty-Student Committee on Discipline (or a designated subcommittee, if the charge includes an allegation of sexual misconduct). The Committee or subcommittee. The Committee will: (i) conduct a hearing in accordance with University policies; (ii) decide if University regulations have been violated; (iii) issue written findings; and (iv) determine the penalty (if appropriate).
For further information regarding the student discipline process, including Committee and subcommittee membership, investigation and hearing procedures, and the rights of individuals involved in the student discipline process, see Rights, Rules, Responsibilities sections 2.5, and 2.6, and 2.7. Individuals should inquire at 308 West College (if the respondent is an undergraduate student) or Clio Hall (if the respondent is a graduate student) for more detailed information regarding the student disciplinary process.

Information specific to sexual misconduct cases, including the rights of complainants and respondents in such cases, can be accessed at: http://www.princeton.edu/odus/standards/sexual-misconduct/ (for undergraduate students) and http://www.princeton.edu/gradschool/studentlife/complaint_resolution/sexual_misconduct/ (for graduate students).

While the length of the process will depend on a variety of factors, including the nature and scope of the allegations, the number of parties and witnesses, and the availability of parties and witnesses, an effort will be made to conclude the process within 45 working days of receipt of the complaint.

V. CONFIDENTIALITY

Any allegation of discrimination or harassment brought to the attention of the University will be discreetly addressed in some manner. Investigations will be conducted in a confidential manner to the greatest extent possible. However, the investigation of complaints may also require disclosure to the accused individual and to other witnesses for the purpose of gathering pertinent information. In such case, disclosures will be limited to the extent possible.

All participants in the process, including the person who filed the complaint, the individual accused and witnesses, will be advised to keep the matter confidential.

VI. APPEALS

The following are the only appeals available under this Policy:

For any appeal regarding sex or gender discrimination, including sexual misconduct, see Rights, Rules, Responsibilities 1.9 (link), which supersedes this policy.

Faculty members found to have violated the Nondiscrimination/Anti-Harassment Policy may, consistent with the Rules and Procedures of the Faculty, file a written appeal with the Committee on Conference and Faculty Appeal, provided the appeal involves the “dismissal or the suspension . . . or any question of unfair treatment in relation to the appointment, reappointment, or academic duties or privileges.”

Academic professionals found to have violated the Nondiscrimination/Anti-Harassment Policy may, consistent with the Rules and Procedures of the Professional Researchers and Specialists and Rules and Procedures of the Professional Library Staff, submit a written request for reconsideration to the Dean of the Faculty on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning dismissal or suspension or procedural unfairness should be submitted to the Committee on Appointments and Advancements for the Professional Researchers and Professional Specialists or the Promotions, Continuing Appointment and Review Committee for Professional Librarians, as appropriate.

HR staff found to have violated the Nondiscrimination/Anti-Harassment Policy may file a written request for reconsideration to the Executive Vice President on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar
misconduct. Appeals concerning procedural unfairness should be submitted to the Judicial Committee of the Council of the Princeton University Community (CPUC).

**Unionized employees** found to have violated the Nondiscrimination/Anti-Harassment Policy may resort to the grievance procedures provided pursuant to the applicable collective bargaining agreement.

**Students** found to have violated the Nondiscrimination/Anti-Harassment Policy may, in accordance with the applicable provisions in *Rights, Rules, Responsibilities*, file an appeal of the decision. If the infraction was adjudicated by an associate dean or by the Residential College Disciplinary Board, the student found in violation of University policy may file an appeal to the Dean of Undergraduate Students or to the Dean of the Graduate School on the grounds that (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented; or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct; or (iii) a procedural irregularity occurred in the adjudication of the incident in question.

If the infraction was adjudicated by the Committee on Discipline or its Subcommittee on Sexual Misconduct, the student found in violation of University Policy may appeal the decision to a three-person appellate body comprised of the Dean of the College, the Dean of the Graduate School, and the chairman of the Judicial Committee of the Council of the Princeton University Community (CPUC) on the grounds that: (i) the procedures have not been fair and reasonable; or (ii) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation or to the Committee or Subcommittee; or (iii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. If modifications are made to the decision, the appellate body will consult with the Vice President for Campus Life before issuing its final decision.

**VII. PROTECTION FROM RETALIATION**

Federal and state law and University policy prohibit any form of retaliation against a person who files in good faith a complaint of discrimination or harassment or in good faith participates in the reporting or investigation process.

Prior to the conclusion of an investigation and findings, a complaint of discrimination or harassment does not constitute proof of prohibited conduct. As such, the complaint shall not be taken into account during reappointment, tenure, promotion, merit or other evaluation or review until a determination has been made that the University's Policy has been violated.

Complaints of retaliation should be reported as violations of this Policy. Retaliatory conduct may result in serious disciplinary sanctions.

**VIII. PROTECTION FROM BAD FAITH COMPLAINTS**

It is the responsibility of the University to balance the rights of all parties. Therefore, if the University’s investigation reveals that the complaint is malicious or knowingly false, such charges will be dismissed and the person who filed the complaint may be subject to discipline.

**IX. FILING A DISCRIMINATION OR HARASSMENT COMPLAINT EXTERNALLY**

In addition to or in the alternative of filing an internal complaint as described above, members of the University community may elect to file a discrimination or harassment complaint with an external body, including a federal or state agency authorized to investigate such claims. The appropriate agency will depend on the status of the complainant and the nature of the complaint, and examples of agencies
include: the United States Equal Employment Opportunity Commission; the United States Department of Education, Office for Civil Rights; and the New Jersey Division on Civil Rights.

X. EDUCATION

In conjunction with the implementation and dissemination of this Policy, the University supports a program for the education of the University community regarding maintaining a campus environment that is free from discrimination and harassment. To learn more about the training resources and assistance available, please contact the Director for Equal Opportunity Programs | Institutional Equity and EEO, at 609-258-8504.