Sex Discrimination & Sexual Misconduct Policy

Rights, Rules, Responsibilities

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 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. Lack of a formal complaint does not diminish the University’s obligation to respond to information suggestive of sex discrimination or sexual misconduct. If the complainant (i.e., an individual who has been subjected to prohibited conduct, according to the complaint or report) requests that the University not investigate, the University will consider the complainant’s articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University’s obligations under Title IX. 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. 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; or
- Terminating or removing an individual from employment or an educational program.

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 verbal or physical behavior which is directed at a person based on sex, gender identity or gender expression, 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. Examples of conduct that can constitute sexual harassment if based on an individual’s sex, gender identity or gender expression include but are not limited to:

- Unwelcome jokes or comments (e.g., sexist jokes);
- Disparaging remarks about sex, gender identity or gender expression (e.g., negative or offensive remarks or jokes about a person’s self-presentation);
- Displaying negative or offensive posters or pictures about sex, gender, or gender expression;
- Electronic communications, such as e-mail, text messaging and internet use, that violate this policy.

Sexual Harassment is deemed especially serious 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; or submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.

Inappropriate Conduct Related to Sex, Gender Identity, or Gender Expression: Unwelcome conduct that may not fall under sexual harassment or sexual exploitation, but that is sexual in nature. Examples may include: obscene or sexually offensive gestures and comments; or 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.

Stalking: A course of conduct (i.e., more than one act) 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.

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 or policy 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, or local residents).

### 1.9.4 Relationships with Individuals in Authority

A sexual or romantic relationships 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 violate 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/.

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 only 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 and, as detailed in Section 1.9.12, the parties will be informed of information relevant to the investigation or disciplinary processes.

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
609-258-3333

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, 5-7 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**
Murray-Dodge Hall
Carebridge (Faculty & Staff Assistance Program)
On initial visit to the site, please enter the Princeton client code TW8AE to access the Carebridge Library.
800-437-0911
clientservice@carebridge.com

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 third-party 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

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 Police: 609-921-2100 (calls will likely result in police involvement)
- Department of Public Safety: 609-258-3333 (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
1.9.7 Options for Complainants and Other Reporting Parties

The University encourages all individuals to report any alleged or suspected 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, 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 that affects 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. In such a circumstance, the Title IX Coordinator will take into account the complainant’s articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University’s obligations under Title IX.

2. Amnesty

Comment [RHC7]: This was modified in response to OCR’s comment that we need to include the statement regarding confidentiality as found in 1.9.10(1) “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.”
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 identify individuals who may possess relevant information and request that such individuals be interviewed, 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 University community, fair treatment of 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, or, after consultation with the complainant about the complainant’s preferences regarding participation, the Title IX Coordinator determines that there will be insufficient information to investigate the matter, 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 or this policy, the Title IX Coordinator will determine appropriate interim measures and initiate an investigation.

3. Timing of Investigations and Any Related Disciplinary Proceedings

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The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process and provide notice of the outcome within 60 business calendar days after receipt of the complaint or report. The University will seek to complete any appeal within 20 business days after receipt of the appeal.

There may be circumstances that require the extension of timeframes for good cause, including extension beyond 60 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. Violations of University Policy Unrelated to Sexual Misconduct

In the situation when an initial assessment or investigation under this policy identifies additional related possible violations of University policy (other than violations of the Sex Discrimination and Sexual Misconduct policy) by the same respondent(s) that would normally be handled by another disciplinary authority, the Title IX Coordinator, with the approval of that disciplinary authority, may direct an investigative panel to investigate and adjudicate such other possible violations. In such a situation, the Title IX Coordinator and other disciplinary authorities will determine the procedures to be followed on consideration of the nature of the alleged violation(s) and other relevant factors. The standard of evidence applied to each violation will not be altered; the preponderance of the evidence standard will be applied to violations of this policy and the clear and persuasive evidence standard will be applied to other disciplinary violations.

8. 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 actively 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, (3) to request the collection of other information by the panel, and (4) to identify individuals who may possess relevant information (and request that such individuals be interviewed). 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 and to participate equally in the appeal process, even if the party is not the appealing party. 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 five business days 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 adjudicated 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 dean's 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 and will describe in writing for the parties the charges that will be adjudicated.

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 actively 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, and (4) to identify individuals who may possess relevant information (and request that such individuals be interviewed). 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, and (4) to identify individuals who may possess relevant information (and request that such individuals be interviewed). 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 and to participate equally in the appeal process, even if the party is not the appealing party. 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.

4. Penalties Applicable to Non-Members of the University Community

For violations of this policy by non-members of the University community, disciplinary penalties may include being temporarily or permanently barred from the University or subject to other restrictions.

Comment [RHC23]: This was added to make clear that issuing a persona non grata order (PNG) may be a penalty in a case involving a non-member of the University community; this has been the practice, but was not listed as a specific penalty.