



Sexual Misconduct Information and Resources





Hudson County Community College (HCCC) seeks to foster a safe and healthy environment built on mutual respect and trust. At the foundation of the College's mission is the recognition of the equal and inviolable dignity and worth of every person. Sexual Misconduct of any kind is a serious violation of these principles and will not be tolerated in any form.

Sexual Misconduct includes Sexual Exploitation, Sex-Based Harassment, Sexual Assault, Stalking, and Relationship Violence of a sexual nature. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Harassment, including sexual violence, is a form of sex discrimination.

Any member of the College community who encourages, aides, assists or participates in any act of Sexual Misconduct against another is in violation of the College disciplinary policies, Violence Against Women Act (VAWA), and Title IX.

Violence that is not of a sexual nature is also incompatible with the College's mission and a violation of College policies. Policies and procedures governing incidents of violence that are not of a sexual nature are covered separately.

DEFINITIONS

Sexual Assault: Any actual or attempted sexual contact with another person without that person's consent (See Consent defined below). Sexual assault includes anal, oral or vaginal penetration, however slight, or any sexual contact by a person upon another person without effective consent. (See Consent defined below). Sexual penetration includes, but is not limited to vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth-to-genital or genital-to-mouth contact.

Sexual Exploitation: Occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual assault, sexual misconduct, or sexual harassment. Examples of sexual exploitation include but are not limited to making public sexual activity with another person without that other person's consent; prostituting another person; nonconsensual video or audio recording of sexual activity; going beyond the boundaries of consent (such as letting someone hide in the closet to watch you having consensual sex); viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent; and/or knowingly transmitting HIV or an STI (Sexually Transmitted Infection) to another member of the campus community.

Sex-Based Harassment: Includes sexual harassment and gender-based harassment.

Sexual Harassment: Includes unwelcomed conduct of a sexual nature, requests for sexual favors, and other gender-based verbal or physical conduct that is severe, persistent or pervasive enough to unreasonably interfere with an individual's educational experience or working conditions. Sexual harassment also occurs when submission to or rejection of such conduct denies or limits someone's ability to participate in or benefit from any college educational program, activity, or employment; or by creating an intimidating, hostile or offensive environment for another person.

Gender-Based Harassment: Includes unwelcomed conduct of a nonsexual nature based on a person's actual or perceived sex, including behavior based on gender identity, gender expression, and gender nonconforming behavior that creates a hostile environment for the student or employee.

Please refer to www.hccc.edu for a complete list of definitions.

<http://www.hccc.edu/hr/title-ix-compliance/>
<https://myhudson.hccc.edu/studentaffairs>

DEFINITIONS

Quid Pro Quo Sexual Harassment or Request for Sexual Favors: Unwanted conduct of a sexual nature in which submission to such conduct is made either explicitly or implicitly (or a factor affecting) a term of condition of an individual's education, living environment, employment, or participation in a school activity or program.

Hostile Environment: A "hostile environment" exists when sex-based harassment is sufficiently serious to deny or limit the person's ability to participate in or benefit from the College's programs or activities. A hostile environment can be created by anyone involved in a College's program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the person who was harassed. However, the College will also need to find that a reasonable person in the person's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for any member of the College community, the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment.

Including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected a student's education, an employee's employment and/or a visitor's purpose on campus.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

DEFINITIONS

Relationship Abuse: Relationship abuse is sometimes referred to as Intimate-Partner Violence, Domestic Violence or Dating Violence. Relationship Abuse refers to coercive behavior that serves to exercise control and power in an intimate relationship. The coercive and abusive behavior can be physical, sexual, psychological, verbal and/or emotional. Relationship abuse can occur between current or former intimate partners who have dated, lived together, currently reside together, or who otherwise are connected through a past or existing relationship. It can occur in opposite-sex and same-sex relationships. Relationship abuse can be a single event or a pattern of abuse. Examples of relationship abuse include, but are not limited to: attempting to cause or causing bodily injury by hitting, slapping, punching, hair-pulling, kicking, sexual assault and/or other forms of unwanted physical contact that cause harm; knowingly restricting the movements of another person; isolating or confining a person for a period of time; controlling or monitoring behavior; being verbally and/or emotionally abusive; and exhibiting extreme possessiveness or jealousy.

Stalking: This is usually defined by an institution's sexual misconduct policy as a course of conduct that places a person in fear for their safety or the safety of another. Any pattern of conduct that has the purpose or effect of producing fear and/or creating an intimidating, hostile or offensive environment. A "pattern of conduct" is defined as two or more times and constitutes a repeated attempt to initiate unwanted, inappropriate and/or threatening interactions with a particular person or group. Examples of stalking behavior include, but are not limited to unwelcome communication that can be face-to-face, phone, text messages, email, voice messages, written messages, gifts, etc. Pursuing and/or following another person or group; surveillance; trespassing; gaining unauthorized access to personal, medical, financial or any other identifying pieces of information without explicit permission; and accessing email, phone or other forms of personal communication in order to follow or monitor another's activity.

Cyberstalking: Is a non-physical form of stalking and is a violation of this policy. Therefore, using electronic media such as the internet, social networking sites, cell phones or similar devices or mediums to pursue, track, harass, monitor or make unwanted contact with another person is a violation of the Sexual Misconduct Policy.

Consent: With all cases of a sexual nature, consent is granted only when a person freely, actively, and knowingly agrees at the time to participate in a particular sexual act with another person. Consent exists when mutually understandable words and/or actions demonstrate a willingness to participate in a mutually agreed upon activity at every stage of that sexual activity. Either party can verbally or non-verbally withdraw consent at any stage. Consent cannot be assumed from partner silence, manner of dress, or be based on a previous or ongoing sexual relationship.

DEFINITIONS

Incapacity: A person is considered incapable of giving consent if he or she is:

- Under the age of consent, which is 16 in New Jersey state
- Asleep, unconscious, and/or losing and regaining consciousness
- Under threat of physical force or coercion, intimidation, or duress
- Mentally or physically incapacitated, for example by medication, alcohol and/or other drugs. Evidence of physical or mental incapacity will be determined by assessing context clues such as:
 - A witness or the accused may know how much the other party has consumed
 - Slurred speech
 - Bloodshot eyes
 - The smell of alcohol on the breath
 - Shaky equilibrium
 - Vomiting
 - Outrageous or unusual behavior

Lack of protest does not imply consent. Under no circumstance does a current or previous dating relationship constitute consent.

Please refer to www.hccc.edu for a complete list of definitions.

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<https://myhudson.hccc.edu/studentaffairs>

WHAT YOU CAN DO IF YOU HAVE EXPERIENCED SEXUAL ASSAULT

Hudson County Community College is committed to providing confidential, nonjudgmental and appropriate support services for all sexual assault survivors, regardless of gender, ethnicity, race, sexual orientation, age, ability, immigration status or whether or not they are reluctant to report the crime. It is important to understand that you are not at fault for the assault in any way. No one ever deserves to be assaulted and persons who commit sexual assault do so out of a need to control, dominate, abuse and humiliate.

GET TO A SAFE PLACE IMMEDIATELY

You need to find a place where you feel comfortable and safe from harm. This could be your home, a hospital, the police station, a friend's room or your home. **If you are on campus and need assistance you can call Security at (201) 360-4085 (Journal Square Campus) or (201) 360-4777 (North Hudson). If you are off campus you can call 911.**

SEEK MEDICAL ATTENTION AS SOON AS POSSIBLE

Even if you do not want to report the sexual assault to the police, or if it has been a while since the assault, you may still benefit from medical attention. Evidence collection may be possible through a "rape kit" if you have been sexually assaulted in the past 96 hours/4 days. The hospitals listed in this policy have Sexual Assault Nurse Examiner (SANE) programs which utilize specially trained nurses to collect evidence and administer care. In addition to collecting evidence, health concerns such as sexually transmitted diseases (STD), pregnancy, and treatment of injuries will be addressed. It is important to have the evidence collected because, although you may not want to pursue criminal action immediately, you may change your mind in the future.

If you want evidence to be collected at the hospital, do not shower, bathe, douche, wash your hands, brush your teeth, or comb your hair. Even though you may desperately want to clean yourself, you may destroy important evidence if you do so. If you have done any of the things mentioned, it is ok, it may still be possible to find evidence. You are encouraged to bring a change of clothing if you choose to have medical personnel collect evidence

REPORT THE INCIDENT

The College encourages victims to report all cases of Sexual Misconduct. Reporting an incident to the College is different from legal prosecution. You are not obligated after reporting an incident to cooperate in a criminal investigation, however, the College is obligated to report the incident to appropriate law enforcement agencies. **Always make sure to alert Safety & Security at (201) 360-4085.** Complete the Incident Reporting Form located under "Forms" on the Safety & Security page: <https://myhudson.hccc.edu/security> or www.hccc.edu/incident. The incident report is forwarded to Student Services to take the necessary actions to the appropriate Title IX Officer.

RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. These suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful.
- You may have a power advantage simply because of your position, gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically simply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication.

EDUCATION

BYSTANDER INTERVENTION INFORMATION

If someone suspects that another individual may be in a high risk situation to become a victim of any form of Sexual Misconduct, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively. There is no legal obligation in New Jersey State for a bystander of a potentially violent situation or crime to intervene or act. Bystanders are encouraged to act if there are safe and reasonable ways to intervene and/or discourage people from being uncivil towards each other in an effort to foster a safer environment for everyone.

BYSTANDER TIPS:

- Remind others that “consent” is the difference between sex and sexual assault and that someone can be too intoxicated, or otherwise physically or mentally incapacitated to consent.
- Take the initiative to help others who are not thinking clearly from becoming targets of violence (or) take steps to stop a friend who chooses to use violence.
- Prevent an intoxicated person from going to a private location with a stranger or an acquaintance.
- Do not leave anyone, whether a friend of an acquaintance, alone at a party or a bar.
- Ask anyone, whether an acquaintance or stranger, who is attempting to engage in Sexual Misconduct to stop and leave the location.
- Recognize dating or domestic partners who cause fear or physical pain to their partner and voice your concerns where appropriate; one suggestion is referring the student to the Counseling Center and referring a faculty, administrative or staff employee to Human Resources.
- Contact any of the following: Campus Security, Human Resources, Associate Dean of Student Affairs, and Executive Director of the North Hudson Campus or another person of authority who can assist.

All new students are invited to complete the Campus Clarity’s “Think About It” online module related to sexual misconduct prevention and sanctions in order to pass their College Student Success course.

Look for campus-wide educational programs each semester in the Hudson County Community College Student Life Guide. All members of the College community are encouraged to attend these events.

Resources for Sexual Misconduct Awareness can be found on the HCCC MyHudson Staff and Student Portal at <http://www.hccc.edu/hr/title-ix-compliance/>.

ON CAMPUS REPORTING RESOURCES

All incidents or perceived incidents of Sexual Misconduct where the accused is an Administrative, Faculty or Staff employee or third party, are to be reported to the College's Title IX Coordinator:

Compliance Officer/Title IX Coordinator for Faculty and Staff

Anna Krupitskiy, Vice President for Human Resources

70 Sip Avenue, Jersey City, NJ 07306 | (201) 360-4073

John Quigley, Executive Director of Safety and Security

71 Sip Avenue, Lower Level, Jersey City, NJ 07306 | (201) 360-4081

All incidents or perceived incidents of Sexual Misconduct where the accused is a student at the Journal Square Campus are to be reported to the Deputy Title IX Coordinator for students:

Dr. David D. Clark, Associate Dean of Student Affairs

70 Sip Avenue, 3rd Floor, Jersey City, NJ 07306 | (201) 360-4189

All incidents or perceived incidents of Sexual Misconduct where the accused is a student at the North Hudson Campus or Secaucus Center are to be reported to the Deputy Title IX Coordinator for Students:

Yeury's Pujols, Executive Director of the North Hudson Campus

4800 Kennedy Boulevard, 7th Floor, Union City, NJ 07087 | (201) 360-4628

Dr. Christopher Conzen, Executive Director of the Secaucus Center

One High Tech Way, Secaucus, NJ 07094 | (201) 360-4386

ON-CAMPUS RESOURCES

Office of Student Services

70 Sip Avenue, 3rd Floor, Jersey City, NJ 07306

(201) 360-4602

Mental Health Counseling & Wellness

70 Sip Ave., 2nd Floor, Jersey City, NJ 07306

(201) 360-4229

Executive Director of North Hudson Campus

4800 Kennedy Blvd., 7th Floor, Union City, NJ 07087

(201) 360-4628

Executive Director of Secaucus Center

One High Tech Way, Secaucus, NJ 07094

(201) 360-4386

Office of Human Resources

70 Sip Avenue, 3rd Floor, Jersey City, NJ 07306

(201) 360-4073

Safety and Safety Coordinator - JSQ

71 Sip Avenue, Lower Level, Jersey City, NJ 07306

(201) 360-4080

Safety and Safety Coordinator - NHC

4800 Kennedy Blvd., 2nd Floor, Union City, NJ 07087

(201) 360-4777

OFF-CAMPUS RESOURCES

Jersey City Police – West District Office

576 Communipaw Avenue, Jersey City, NJ 07304

(201) 547-5450 | Fax: (201) 547-5077

Union City Police Department

3715 Palisade Ave., Union City, NJ 07087

(201) 348-5790 | Fax: (201) 319-0456

<http://unioncitypd.org>

Jersey City Medical Center

355 Grand Street, Jersey City, NJ 07302

(201) 915-2000 | www.libertyhealth.org

Hoboken University Medical Center

308 Willow Avenue, Hoboken, NJ 07030

Phone: 201.418.1000

<https://www.carepointhealth.org/location/hoboken-university-medical-center/>

Hudson SPEAKS

(Supports Prevents Educates Advocates to Keep

Strong) Formerly Hudson County Rape Crisis

Center - Christ Hospital and CarePoint Health

179 Palisades Avenue, Jersey City, NJ 07306

24 Hr. Hotline: (201) 795-5757

(201) 795-8741 or (201) 795-5816

Fax: (201) 795-8761 or (201) 418-7017

Mountainside Hospital

1 Bay Avenue, Glen Ridge, NJ 07028

(973) 429-6000

Newark Beth Israel Medical Center

201 Lyons Avenue, Newark, NJ 07112

(973) 926-7000

Palisades Medical Center

7600 River Road, North Bergen, NJ, 07047

(201) 854-5000 | www.palisadesmedical.org

Saint Barnabas Medical Center

94 Old Short Hills Road, Livingston, NJ 07039

(973) 322-5000