



## Sexual Misconduct Information and Resources



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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, aids, assists or participates in any act of Sexual Misconduct against another is in violation of the College disciplinary policies 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 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.

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

**Sexual Harassment:** Includes unwelcome 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 living 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 or activity; or by creating an intimidating, hostile or offensive environment for another person.

**Gender-Based Harassment:** Includes unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

**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).

**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 on or off campus, 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.

Please refer to [www.hccc.edu](http://www.hccc.edu) for a complete list of definitions.

# DEFINITIONS

**Stalking:** 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, 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. Consent can be verbally or non-verbally withdrawn by either party at any stage. Consent cannot be assumed from partner silence, manner of dress, or be based on a previous or ongoing sexual relationship.

## **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:

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

# 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 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 and

# WHAT YOU CAN DO IF YOU HAVE EXPERIENCED SEXUAL ASSAULT

Hudson County Community College is committed to providing confidential, non-judgmental 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 201-360-4694 (Jersey City) or 201-360-4627 (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.

# 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 a faculty, administrative or staff employee to Human Resources.
- Contact Campus Security, Human Resources, Dean of Student Affairs, 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 <https://myhudson.hccc.edu/studentaffairs/>

# RESOURCES

## ON CAMPUS REPORTING RESOURCES

**Title IX Coordinator**  
Vivyen Ray  
Executive Director for  
Human Resources  
81 Sip Avenue  
Jersey City NJ 07306  
201-360-4073

**Deputy Title IX Coordinator  
for Students**  
Michael Reimer  
Dean of Student Affairs  
70 Sip Avenue  
Jersey City NJ 07306  
201-360-4158

**Deputy Title IX Coordinator  
for Students**  
Yeury Pujols  
Executive Director  
North Hudson Campus  
4800 Kennedy Boulevard  
Union City, NJ  
201-360-4628

## ON CAMPUS RESOURCES AND SUPPORT SERVICES

**Dean of Student Services**  
70 Sip Avenue  
Jersey City, NJ  
201-360-4158

**Executive Director  
North Hudson Campus**  
4800 Kennedy Blvd.  
Union City NJ  
201-360-4628

**Office of Human Resources**  
81 Sip Avenue  
Jersey City NJ  
201-360-4073

**Security and Safety  
Department**  
25 Journal Square  
Jersey City NJ  
201-360-4680/4089

**Security and Safety  
Department**  
4800 Kennedy Blvd.  
Union City NJ  
201-360-4777

## 24 HOUR RESOURCES OFF CAMPUS

**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  
Office: 201-348-5790  
Fax: 201-319-0456  
<http://unioncitypd.org/>

**Jersey City Medical Center**  
355 Grand Street  
Jersey City, NJ 07302  
Office: (201) 915-2000  
<http://www.libertyhealth.org/>

**Palisades Medical Center**  
7600 River Road  
North Bergen, NJ, 07047  
Office: (201) 854-5000  
[www.palisadesmedical.org/](http://www.palisadesmedical.org/)

## OFF-CAMPUS RESOURCES

**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  
Office: (201) 795-8741  
or (201) 795-5816  
Fax: (201) 795-8761  
or (201) 418-7017



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