Bergen Community College

BERGEN COMMUNITY COLLEGE
DEPARTMENT OF PUBLIC SAFETY

ANNUAL SECURITY REPORT

CRIME PREVENTION | STATISTICS | INTERVENTION | POLICY & PROCEDURES | 2017



Message from the Vice President of Facilities Planning, Operations & Public Safety

TO: All

Bergen Community College is committed to providing the campus community with the highest levels of safety and security. With more than 15,000 students enrolled at the College's three locations in Paramus, Hackensack and Lyndhurst, and more than 1,000 faculty and staff members, it is everyone's responsibility to be aware of their surroundings to help keep the College community safe.

If you hear someone being threatened, see an unusual posting on the Internet, or notice something out of the ordinary, please contact Public Safety or the Bergen County Sheriff's Office. We are here for your protection and safety. You can also call the College's confidential tips line, 201-689-7070, with any concerns you may have. In the event of an emergency, it is important for everyone to be prepared and to act accordingly. Please read the following guidelines to become familiar with the College's safety procedures.

William M. Corcoran
Vice President of Facilities Planning, Operations & Public Safety
Bergen Community College

Uwe Malakas
Captain, Bergen County Sheriff's Office



Mission Statement

The mission of the Bergen Community College Department of Public Safety is to provide and maintain a safe and secure atmosphere for all members of the College community.

The function of the department is varied and includes, but is not limited to: unbiased and fair enforcement of the College's rules and regulations, responding to calls for non-enforcement services, active patrol of the campus, and serving as public relations contacts.

The success of this mission depends upon an effective working relationship between Public Safety personnel and the diverse community at Bergen. Critical to this relationship is mutual respect among students, staff, faculty and visitors.

Therefore, we pledge to respect the diverse needs and interests of the community we serve.
We pledge to be diligent and relentless in the protection of both life and property.

In return, we ask that our partners in this community assume their individual and collective responsibilities to make Bergen Community College a place that is safe from crime, and to provide a civil and open environment that fosters learning.

The authority by which the department operates, along with the resources that are provided for it, are granted to the department by the College and are an affirmation of the College's trust. All members of the College community must recognize that the proper use of these resources assist the College in offering a comprehensive set of accessible, affordable, high-quality courses and programs that are designed to meet the demands of the community.



Statement of Enforcement Authority on Campus

The Public Safety Department is staffed 24 hours a day, 7 days a week, 365 days a year. Public Safety Officers provide assistance and protection to persons and property for the College. They maintain orderly conditions and take measures required to assure observance of the law. Its employees utilize foot and vehicle patrols to observe, report, and respond to situations or activities with potential to pose a danger to persons or property. PUBLIC SAFETY OFFICERS ARE UNARMED AND DO NOT HAVE POLICE POWERS. Police related incidents are handled by the Bergen County Sheriff's Office which maintains a substation on campus.



Maintenance of Campus Facilities

To ensure the continuous efforts of keeping our campus community safe and secure, security issues are given high priority in the design of new facilities as well as in existing facilities. The Public Safety Department, as part of their routine patrols, conduct regular security surveys of existing facilities, with their findings and recommendations sent to appropriate administrative departments for corrective action when necessary. Campus lighting surveys are conducted regularly and deficiencies promptly addressed.

Security Tips

1. Be aware of your surroundings at all times; pay attention to what other people are doing.
2. Always lock your room and vehicle. Keep valuables out of sight.
3. Acknowledge that excessive alcohol consumption decreases your personal safety because your judgment is impaired. Do not compromise your own security.
4. Do not use shortcuts through the woods; stay on the lighted paths. Walk with a friend or

in a group.
5. Look out for one another at all times.
6. Vacate all buildings immediately when a fire alarm sounds.
7. Recognize that campus crimes are committed both by members of the College Community and by outsiders. Make prudent judgments in all your interactions with others and report suspicious persons or activities.

Call Public Safety on extension 6 if using internal phones, or dial 201-447-9200 if using outside phones.

Emergency Evacuation

In every building on campus, there are exit signs and evacuation plans, which are affixed to the walls. You should become familiar with the exit routes and evacuation plans before an emergency occurs. In the event of an emergency, please remain calm, gather only what clothing would be required for the current weather conditions and exit the building.

DO NOT USE ELEVATORS IN TIMES OF EMERGENCY!

Emergency response is the responsibility of the Department of Public Safety. Should the situation demand further response, mutual aid is provided by the Bergen County Sheriff's Department. Public Safety will direct you further depending on the situation. If a different location for your safety is required they will coordinate that move.

Evacuation drills are conducted once a year. During these drills, if you notice anything that may cause a safety concern during a real evacuation please notify the Department of Public Safety. These drills are also evaluated to make further improvements to the evacuation policy and procedure. Evacuation drills are not announced and are also conducted with volunteer Fire Wardens who act as support for the Department of Public Safety.

Evacuation Procedures

In the event of an emergency, please remain calm, gather only what clothing would be required for the current weather conditions and exit the building. Public Safety Officers and volunteer Fire Wardens are there to assist and ensure the evacuation is complete. Public Safety will respond and provide further directions, depending on the situation. If a different location for the students' safety is required they will coordinate that move.

In case of a fire you should:

- Activate building fire alarm system
- Call 6 on any campus telephone. On cellular or off campus phone dial 201-447-9200 or 911.
- Report the exact location of fire.

In the event that a fire alarm sounds, please follow these procedures:

A. Feel the closed door of your room. If it feels hot or the hallway is filled with smoke **DO NOT OPEN THE DOOR.** Go to your window and wait for rescue. If the door is cool, **CLOSE YOUR WINDOWS** before opening the door slowly.

B. Upon leaving the room, leave the lights on and the door **CLOSED**. Be sure to take your coat and key with you.

C. If you cannot leave the room:

1. Open the windows if there is smoke; if there is no smoke, leave the windows closed to prevent outside smoke from being drawn into the room.
2. Seal cracks around the door with towels, damp if possible.
3. If you are trapped, attract attention by hanging an object from the window – the brighter the color, the better. If outside smoke is drawn in, close the window, leaving the object hanging.

D. If smoke is severe, place a wet cloth over your nose, and **remember** to stay low, close to the floor where it is cooler and the air is cleaner.

E. When you are evacuating a building:

1. Walk at a brisk pace, but **DO NOT RUN**. Go to the nearest exit or stairway.
2. DO NOT USE ELEVATORS.
3. Follow the posted specific corridor instructions as to proper exit route and assembly point.
4. Move in a single file along the wall upon which the exit is located. Once outside

the building move at least 75 ft. to 100 ft. away from the building.

5. Do not reenter the building until instructed to do so by a Public Safety Officer or volunteer Fire Warden.

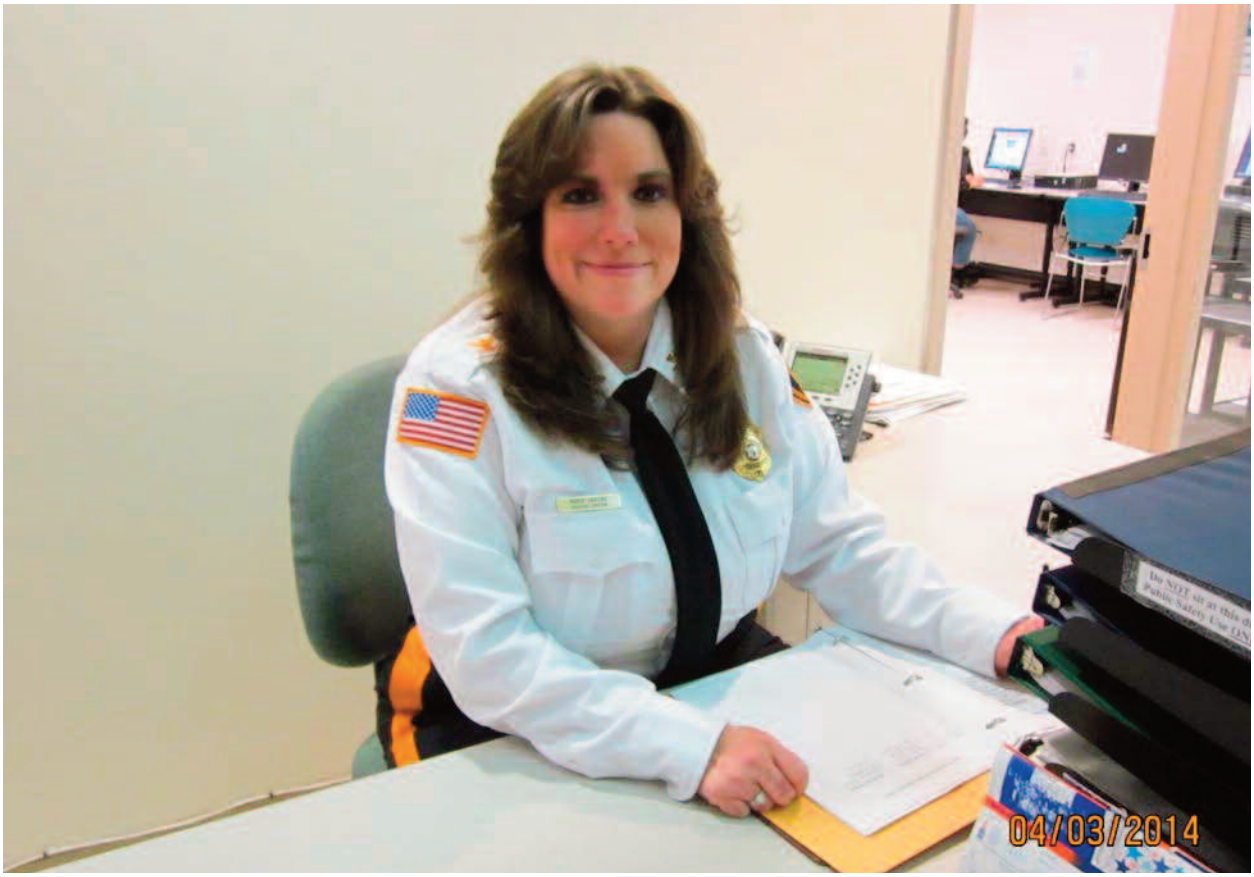
Numbers to Call for Help

Bergen Community College Numbers:

Vice President of Facilities Planning, Operations & Public Safety 201-612-5234
Vice President of Student Affairs 201-493-3742
The Dean of Student Life & Conduct 201-447-7883
Personal Counseling (Paramus) 201-447-9257
Personal Counseling (Meadowlands) 201-301-9699
Health Services 201-447-9257
Wellness Center 201-612-5265
Human Resources 201-447-7442
Public Safety at Paramus Campus 201-447-9200
Public Safety at the Meadowlands Campus 201-301-1267
Public Safety at the Ciarco Learning Center Hackensack 201-301-9700
Confidential Tips 201-689-7070
Home Page: www.bergen.edu
Behavioral Intervention Team: http://www.bergen.edu/bit
Bergen Community College at the Meadowlands: http://www.bergen.edu/meadowlands
Philip J. Ciarco Jr. Learning Center: http://www.bergen.edu/ciarco

Outside Numbers:

Police or Fire (Emergency only & from college phone) 911
Bergen County Sheriff's (BCC office).....201-689-7607
Bergen County Sheriff's (BCC Lyndhurst office).....201-301-1290
Bergen County Victim Witness Advocacy Unit 201-646-2057
Bergen County Rape Crisis Center Hotline.....201-487-2227
Alternatives to Domestic Violence.....201-336-7575
(Division of Bergen County Dept of Human Services)
Bergen County Prosecutor's Office 201-646-2300



The Bergen Community College Public Safety Department (located in L-154, ext. 6)

The Public Safety Department is staffed twenty-four hours a day, seven days a week, 365 days a year. Public Safety Officers provide assistance and protection to person and property on the Bergen Community College campus. They maintain orderly conditions and take measures required to assure observance of the law. Its 44 employees utilize foot and vehicle patrols to observe, report and respond to situations or activities which may pose a danger to persons or property. PUBLIC SAFETY OFFICERS ARE UNARMED AND DO NOT HAVE POLICE POWERS. Public Safety Officers respond to all complaints as promptly as possible and if, the Officer or complainant requires local police assistance; they will notify the Bergen County Sheriff's Office. Public Safety Officers have received First Aid training, CPR/AED and SORA certification in addition to instruction in campus security procedures. The College enjoys an excellent working relationship with the Bergen County Sheriff's Office, who has a substation on campus.

Crime Prevention

The Department of Public Safety's goal is to be proactive and prevent incidents from occurring to the extent possible. A Public Safety escort can be provided by Public Safety throughout the college's hours of operation. To request an escort contact the Public Safety Office at the relevant campus. Public Safety provides continuous active campus patrols along with the use of closed circuit television cameras to support their crime prevention efforts. Also, in conjunction with The Department of Student Life & Judicial Affairs, the Department of Public Safety, and local law enforcement agencies students/faculty/staff are invited to attend various workshops and campus security day events throughout the year. Security and safety tips are presented as well as the latest emergency procedures being implemented at the college.

Access to Campus Facilities

All vendors and contractors are required to check-in at the Public Safety Office at each respective campus. At that time they will be required to sign-in with the necessary information, and will be given an identification tag to display on their outermost garment. If any student, staff, faculty member needs to access campus facilities before or after regular hours of operation, they must be approved in advance by the Public Safety Department or the appropriate College Administrator.

How to Report a Crime, Emergency Situation, or Violation of Bergen Community College

1. The policies of Bergen Community College, which are enforced by the Public Safety Dept., are made known to students, faculty, and staff through College publications, including the Emergency Handbook and the webpage.
2. To report a crime, emergency or violation
    - In Paramus Campus call Public Safety at 201-447-9200 (or ext. 6 if using an internal BCC phone) or come to the Public Safety Office located on the ground floor of the L wing, Room L-154.
    - At the Meadowlands Lyndhurst Campus call Public Safety at 201-301-1267 (or ext. 6 if using an internal BCC phone) or come to the Public Safety Office located on the ground floor Room 101.
    - At the Ciarco Learning Center Hackensack Campus call Public Safety at 201-301-9700 (or ext. 6 if using an internal BCC phone) or come to the Public Safety Office located on he ground floor Room 135.

3. Provide a clear description of what the incident was about, who was involved, where it took place, when it took place, and if you know how or why it came about. Be as specific as possible and give your own name and those of other witnesses.
4. IF THE EMERGENCY APPEARS TO BE IMMEDIATELY LIFE OR PUBLIC-SAFETY THREATENING, OR INVOLVES THE COMMISSION OF A SERIOUS CRIME, CALL 911. (CALLS FROM INTERNAL BCC PHONES MUST BE MADE BY DIALING 911).

How Threatening Situations are handled by Bergen Community College Personnel

If someone commits an act deemed immediately threatening and/or dangerous, certain College administrators, including designated members of the Public Safety Department and On-Call Administrators, can immediately affect an interim suspension from the College. When serious violations of the law occur, the College alerts the Bergen County Sheriff's Office, whose members can affect an arrest. Criminal court charges may then result in addition to campus judicial system proceedings. Students are strongly urged to report crimes and violations of College policy, so they and their fellow students are protected to the maximum extent possible.

Specific Mechanisms for Reporting Crimes

Regular Reporting

Individuals who wish to report a crime or another matter of concern, including violations of college policy, should complete an Incident Report form. These forms are available in the Public Safety Department (L-154). Also found on www.bergen.edu under Public Safety, Report an Incident. Persons using this form normally will be asked to provide their name and contact information. All reported violations are investigated either by Public Safety personnel, by other appropriate college staff members, by outside law enforcement agencies, or by both working cooperatively. Public Safety Department personnel also fill out Incident Reports when they respond to the location of a crime or other event of concern to the safety and security of the campus.

Anonymous Reporting

Confidential Tip Line: If a member of the campus community notices any suspicious/criminal activity or something that appears out of the ordinary, please call the Confidential Tip Line (201-689-7070) and leave a message. Anonymity will be protected.

Report to a CSA (Campus Security Authority)

According to federal law, a CSA is "an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings." Any person that has been designated by Bergen Community College as having the authority and the duty to take action or respond to particular issues on behalf of the institution. CSA's may be, but not limited to, Dean of Student Life & Conduct, professional staff/leaders in student life/student affairs, academic counselors, coaches, and club advisors.

Clery Policy Statement

The Jeanne Clery Disclosure of The Campus Security Policy and Campus Crime Statistics Act, 20USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires universities and colleges to disclose certain timely and annual information about campus crime and security policies. All private and public institutions of postsecondary education participating in federal student aid programs are subject to the compliance act. Violators can be fined up to $35,000 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action. Accordingly, the Public Safety Department prepares this report in cooperation with the local law enforcement agencies surrounding Bergen Community College's main campus as well as its other campus locations.

How the Annual Disclosure of Crime Statistics is compiled

The Dean of Student Life & Conduct, and the Vice President of Facilities Planning, Operations & Public Safety meet together to verify to the best of their ability the accuracy of the written report necessary to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. All Completed Incident Reports are scrutinized by the Vice President of Facilities Planning, Operations & Public Safety, and the Dean of Student Life & Conduct, to ensure that crimes and referrals required by the Clery Act are properly reported. A representative of the Bergen County Sheriff's Office meets with appropriate BCC Public Safety officials to ensure that all crimes reported to either agency are known to both. Each year, as required by law, crime statistics are disclosed on the college's website at www.bergen.edu. Crime statistics on a national basis are published by the Federal Government at http://ope.ed.gov/security/search.asp.

Daily Crime Log: Policies and Access (Clery Act)

The Clery Act requires that the college maintain a daily Public Crime Log covering the most recent 60 day period. BCC's log is located in the Public Safety Office (L 154) and is available for public viewing 24 hours/day 7 days/week, 365 days/year. Persons wishing to view it should simply state their desire to do so the Desk Officer and ready access will be provided. If someone requests information beyond the 60 day window, it will be provided within 2 business days. The log contains information about the nature of the reported crime, the date and time reported, the date and time it occurred, the general location, and the disposition of the matter by the college. All crimes (not just Clery-reportable crimes) are entered in to the log. Log entries must be made within two business days of the report being made to the Public Safety Department. There are two exceptions when entries are permanently excluded from the Public Log. One is when the disclosure is prohibited by law, and the other is if the disclosure would jeopardize the confidentiality of the victim. In addition there are four instances when information may be temporarily withheld from the Public Log. This withholding can only take place when there is clear and convincing evidence that the release of information would (1) jeopardize an ongoing investigation; or (2) jeopardize the safety of an individual; or (3) cause a suspect to flee or evade detection; or (4) result in the destruction of evidence. Once the release of the information will no longer likely causes one of these adverse effects, it will be placed in the Public Log. Only law enforcement personnel (not Public Safety Department personnel) can determine following an investigation that a crime is unfounded (i.e. did not occur). Unfounded crimes, which are very rare, must be included in the annual statistical report.

The statistics that are reported in the annual Clery Report include the following criminal offenses reported to campus security authorities and/or local police agencies: murder; sex offenses, forcible or non-forcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson; arrests or persons referred for campus disciplinary action for liquor law violations, drug- related violations, and weapons possession; hate crimes; and new categories of domestic violence; dating violence; and stalking incidents.

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence against Women Act. Included within the Act were amendments to the Clery Act that afford additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be complied in accordance with the definitions used in section 4002(a) of the Violence against Women Act of 1994. The Department of Education is continuing to refine reporting requirements and has requested educational institutions make a good faith effort to include 2013 statistics regarding

offenses of dating violence, domestic violence, and stalking.

Clery Definitions

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of a human being by another.
Negligent Manslaughter: The killing of another person through gross negligence.
Sex Offense: Any sexual act directed against another person, forcible or against the person's will or where the victim is incapable of giving consent, or any unlawful, non-forcible sexual intercourse (incest, statutory rape).
Robbery: The felonious and forcible taking of the property of another, against his or her will, through violence or fear.
Aggravated Assault: An attempt or offer, with unlawful force or violence, to do serious physical injury to another.
Burglary: An unlawful entry of any structure to commit a felony or a larceny.
Motor Vehicle Theft: The theft of any motor vehicle.
Arson: The act of maliciously setting fire to property.
Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.
Weapon Law Violations: The violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
Hate Crimes: Of any of the above listed crimes, plus any crimes of simple assault, larceny-theft, intimidation, destruction, damage, or vandalism of property or any other crimes involving bodily injury to any person that are reported to Public Safety, in which the victim is intentionally selected because of the actual or perceived race, religion, sexual orientation, ethnicity, or disability of the victim.
Simple Assault: An unlawful physical attack by one person upon another where neither the offender does not display a weapon, nor does the victim suffer obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the

possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except "Arson"): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

The Higher Education Association (HEA) defines the new crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence against Women Act (VAWA) of 1994 as follows:

"Domestic violence" means a "felony or misdemeanor crime of violence committed by

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

"Dating violence" means "violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship."

"Stalking" means "engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress."

2016 Crime Log

The 2016 Crime Log can be viewed online at:
http://www.bergen.edu/Portals/0/Docs/public_safety/2015%20Crime%20Logs.pdf

Bergen Community College Crime Statistics (3 campuses)						
Criminal Offense	**2014 On Campus**	**2014 Public Property**	**2015 On Campus**	**2015 Public Property**	**2016 On Campus**	**2016 Public Property**
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses Forcible	0	0	6	0	0	0
Sex Offenses Non- Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	1	0
Aggravated Assault	1	0	4	0	2	0
Burglary	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0
Arson	0	0	0	0	0	0
Liquor Law Arrests	0	1	0	1	0	0
Liquor Law Violations Referred For Disciplinary Action	0	0	0	0	0	0
Drug Law Arrests	0	2	1	0	1	0
Drug Law Violations Referred For Disciplinary Action	0	0	2	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0
Illegal Weapons Violations Referred For Disciplinary Action	0	0	0	0	0	0
Dating Violence	3	0	0	0	1	0
Domestic Violence	4	0	6	0	1	0
Stalking	3	0	9	0	10	1

Hate Crime Offense	**2014 On Campus**	**2014 Public Property**	**2015 On Campus**	**2015 Public Property**	**2016 On Campus**	**2016 Public Property**
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses Forcible	0	0	0	0	0	0
Sex Offenses Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	1	0	1	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	4	0	3	0	1	0
Property Damage	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

Timely Warning Reports (Clery Act)

In the event that a situation arises, on or in the immediate vicinity of Bergen Community College which is considered threatening or a potential threat to the College community, a campus wide TIMELY WARNING will be issued to heighten safety awareness. It will be the judgment of the Vice President of Facilities Planning, Operations & Public Safety in collaboration with other college officials to determine the appropriate content of the TIMELY WARNING, and the best method(s) for disseminating the information as quickly as possible in a manner which best protects the campus community. The TIMELY WARNING can be sent out via the College's Emergency Notification System which includes text messages, email alerts, alerts on the College's website, and any other way deemed necessary. The content in the TIMELY WARNING may include a concise statement of the incident and location, any possible connection to previous incidents (if applicable), physical description of the suspect, date and time TIMELY WARNING was released, and any other relevant information needed.

Immediate Notification

In the event of a confirmed immediate and/or imminent threat to the health and safety of the Bergen Community College community (i.e. active shooter, tornado, hazardous material spill, etc.), an IMMEDIATE NOTIFICATION shall be made. The IMMEDIATE NOTIFICATION will be made without delay to the Bergen Community College community via the College's Emergency Notification System which includes text messages, email alerts, alerts on the College's web site, and recorded messages on cell/home phones, along with the College's internal IPcelerate system (messages through classroom/office phones). The Vice President of Facilities Planning, Operations & Public Safety, in collaboration with other College officials will determine the appropriate content of the IMMEDIATE NOTIFICATION and the best method(s) for disseminating the information as quickly as possible. The Vice President of Facilities Planning, Operations & Public Safety and Authorized College Personnel has the responsibility for issuing notifications through the College's Emergency Notification System.

The Emergency Notification System is a free service which students and staff can register for in order to receive information directly to their email account, and cell/home phones in the event of an emergency or campus closure. Students and staff are able to register for this on the College's web page (www. bergen.edu).

Alcohol and Drug Use Policy

As stated in the Bergen Community College catalog, in accordance with public law 101-226, Bergen Community College declares that it will endeavor to provide its employees and students with an environment that is free of the problems associated with the unauthorized use and abuse of alcohol and illicit drugs.

Bergen Community College prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on college property or as part of any of its students and employees activities. Bergen Community College further prohibits the possession or consumption of alcohol on the College campus, with the exception of special, approved receptions in the meeting and training center. Violators may be subject to suspension or dismissal. Intoxication and/or disorderly conduct resulting from consumption of alcoholic beverages will be considered a serious violation of campus regulations and may result in disciplinary action.

Local, state, and federal laws that apply to unlawful possession, use, or distribution of illicit drugs and alcohol will be enforced. Individuals and organizations in violation of college policy and regulations are subject to disciplinary sanctions. As appropriate, sanctions may range from a verbal warning up to dismissal. Sanctions may also include completion of an appropriate rehabilitation program or referral to appropriate legal authorities for prosecution. These policies apply to all Bergen Community College employees and students as well as visitors to the College.

The possession or sale of illicit drugs is a violation of the law. Bergen Community College will uphold the law and render assistance and support to law enforcement agencies, while at the same time rendering assistance to employees and students when needed or necessary.

Bergen Community College's drug policy is as follows:

1. Employees and students are asked to report or submit to the Vice President of Student Affairs or the Dean of Student Life & Conduct, any knowledge or evidence directly or indirectly relating to the possession or sale of drugs anywhere on the College campus or at any time during a College-related activity.
2. The Vice President of Student Affairs shall submit to the College President all information that she or he has knowledge of regarding the possession, sale, or use of drugs on the College campus or during any College-related activity and will recommend a course of action.

3. Bergen Community College students convicted of a criminal drug statute or who admit, in writing, to the possession or sale of drugs anywhere on the College campus or during any college-related activity will be subject to dismissal from the College.
4. Information given to a counselor during the privacy of a counseling session will not be divulged by the counselor unless, in the judgment of the counselor, the student presents a danger to himself or others
5. Students should refer to the document Bergen Community College student program to prevent illicit use of drugs and abuse of alcohol available through the offices of the Vice President of Student Affairs, Health Services, Counseling, and the Department of Public Safety.

The mission of the Bergen Community College Department of Public Safety is to provide and maintain a safe and secure atmosphere for all members of the College community.



If you are a Victim of Sexual Assault or Rape Who to Call

BCC Wellness Center.....201-612-5265
Stafford Barton (ext. 7450) Eileen Purcell (ext. 5557) Cristina Haedo (ext. 5481)
BCC Health Services.....201-447-9257
BCC Public Safety (Paramus).....201-447-7116
(Lyndhurst Meadowlands).....201-301-1267
(Hackensack CLC).....201-301-9700
BCC V.P. Student Affairs.....201-493-3742
Dean of Student Life & Conduct.....201-447-7883
Managing Director of Student Affairs (Lyndhurst Meadowlands).....201-689-7006
Dean of Student Affairs (Hackensack CLC).....201-447-7480
Bergen County Rape Crisis Center (24 hour hotline).....201-487-2227
Bergen Regional Medical Center Emergency Room.....201-967-4142
Bergen County Sex Crimes Unit, Paramus.....201-226-5620
Paramus Police.....201-262-3400
Ridgewood Police.....201-652-3900
Hackensack Police.....201-646-7777
Lyndhurst Police.....201-939-2900
Valley Hospital Emergency Room.....201-447-8000 #42

Sexual Assault and Harassment

Bergen Community College's Student Code of Conduct prohibits sexually violent acts, termed "Sexual Misconduct" by Bergen Community College, which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment. While Bergen Community College utilizes different standards and definitions than the New Jersey Code, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, Bergen Community College utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of Bergen Community College to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the New Jersey definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim- blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, emails, guest speakers and events such as the performance of "One Night" by Equalogy Inc. One Night is an original play about rape among friends. In the course of being entertained, audience members will have an opportunity to consider common misconceptions about rape. The program also covers: legal, medical and community options available to rape victims; how drugs and alcohol are often used to increase vulnerability; risk-reduction techniques and ways to support victims and work to end rape.

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, Bergen Community College takes the matter very seriously. The College employs interim protection measures such as interim suspension and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the Student Code of Conduct. A student wishing to officially report such an incident may do so by contacting the Department of Public Safety or the Title IX Coordinator or Deputy Title IX Coordinator. Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

If you are the victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact the Department of Public Safety at (201) 447- 9200 if you are on campus or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the Student Health Center as well as to Violence Intervention Prevention (VIP) Center for support and guidance. These are both confidential resources.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description,), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the Department of Public Safety and the Bergen County Sheriff's Department or the campus's Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from the Student Health Center or the Violence Intervention Prevention (VIP) Center.
6. Contact the Department of Public Safety and/or the Dean of Student Life and Conduct if you

need assistance with Bergen Community College related concerns, such as no-contact orders or other protective measures. The Dean of Student Life and Conduct will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic accommodations, transportation accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

Sexual Harassment

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of Bergen Community College that sexual harassment is prohibited. All members of the College community, especially officers, faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment is defined as:

Sexual Harassment:
- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, pervasive and objectively offensive so that it,
- unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's education program and/or activities, and is
- based on power differentials (quid pro quo), that creates a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of the Vice President of Student Affairs and Human Resources. Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of the Vice President of Student Affairs. The College will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Vice President of Student Affairs, the student may inquire

or complain to the Dean of Student Life and Conduct, the Office of Public Safety, or any officer of Bergen Community College at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, the College will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the College for serious or repeated violations.

Campus Procedures for Addressing Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Sexual Harassment and other acts of sex and gender discrimination.
For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment.

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the College will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-terms measures such as opportunities for academic accommodations, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc). If the victim so desires, they will be connected with a counselor on- or off-campus, as well as an on-or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the College provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, is provided to all victims, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the College can be found online
here: http://www.bergen.edu/current-students/student-services-departments/student- life-and-

student-conduct-process-and-policies/office-of-student-conduct-process-and-policies/student-code-of-conduct.

The Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Coordinator is also responsible to assure that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and records of the resolution conducted by Bergen Community College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with New Jersey law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the College's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Additional Resources

- Rape Crisis 24-hour Hotline (201-487-2227)
- Planned Parenthood (800-230-PLAN)
- Hackensack University Medical Center (201-996-2300)
- Holy Name Hospital (201-833-3210)
- Valley Hospital, (201-447- 8000 #42)
- Bergen Regional Medical Center, (BRMC) (201-967-4142.)
- Pascack Valley Hospital (201-358-3100)
- Englewood Hospital (201-894-3254).

Why Getting HELP is So Important

Rape is a Sexual Assault and a Crime of Violence

1. Rape is sex without consent. It is one of the most UNDER REPORTED crimes.
2. Rape is a major trauma and a life-threatening situation that affects the victim's sense of safety, and well-being.
3. The motive is to degrade, control, and humiliate the victim. It is NOT for sexual gratification.
4. No person "asks for" or causes a sexual assault.
5. In 84% of the cases, the assailant was known to the victim.
6. Some victims will seek help immediately following an assault while others may wait days, years, or decades to disclose the incident.

Why Intervention is important: The Rape Trauma Syndrome

Rape is a major trauma. The symptoms and reactions commonly experienced are part of The Rape Trauma Syndrome. Victims may have a mixture of feelings, delayed reactions or one or several primary reactions:

1. Emotional shock - numbness, disbelief
2. Fear – afraid of being alone, of men, crowds, the dark
3. Helplessness – life seems out of control, unpredictable
4. Anxiety – edgy, restless
5. Physical distress – vague pain, sleep/sleeping problems, nightmares

6. Guilty thoughts - "I did something to cause it, to make it happen…if only I didn't…"
7. Shame – "I feel so dirty….what will people think….I can't tell anyone, ever…."
8. Depression – Crying spells, extreme fatigue, inability to concentrate
9. Disorientation – overwhelmed, uncertain
10. Isolation - "I feel different…I can't trust anyone…I do not want to be touched…"
11. Anger - "How could he/they do this to me…I want to hurt him….."

Although women, children and adolescents are more vulnerable, men and boys can also be victims of sexual assault. Male sexual victimization is considered by some experts to be one of the most under-reported crimes in our society.

New Jersey Campus Sexual Assault Victim's Bill of Rights

The following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or independent institution of higher education in the State and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.

a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities. Campus authorities, as used in this act, shall mean any individuals or organizations specified in an institution's statement of campus security policy as the individuals or organizations to which students and employees should report criminal offenses.
b. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings which may take place.
c. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.
d. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributory negligent or

assumed that risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.

e. The same right to legal assistance and the right to have others present, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of any disciplinary proceeding against the accused.

f. The right to full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence, including a medical examination if it is necessary to preserve evidence of the assault.

g. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

h. The right to have access to counseling under the same terms and conditions as apply to other students seeking such counseling from appropriate campus counseling services.

i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonable and available.

VAWA Act and SAVE Act

Bergen Community College is compliant with the **VAWA Act (Violence Against Women Reauthorization Act)** and the obligations on all post- secondary institutions under its **SAVE Act (Campus Sexual Violence Elimination Act)**. Obligations apply to new employees and incoming students regarding aware- ness and prevention methods of the following offenses:

- Sexual harassment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Sexual Harassment
Unwelcome, gender-based verbal or physical conduct that is offensive so that it unreasonably interferes with the ability to participate in or benefit from the College's education program and/or activities.
Examples: an attempt to coerce an unwilling person into a sexual relationship;
to repeatedly compliment someone on their dress or body, to punish a refusal to comply with a sexual based request.

Sexual Assault
Any type of unwanted/unwilling sexual contact or behavior that lacks consent and/or capacity to give consent of the recipient.

- Attempted or act of sexual assault (sexual intercourse without consent or with a child under the age of thirteen, by a stranger, an acquaintance, or an intimate partner/spouse)
- Attempted/forced sodomy (forced oral or anal sex)
- Attempted/forced penetration by a foreign object, either animate or inanimate
- Touching an unwilling person's intimate parts such as genitalia, anus, groin, breast, or buttocks directly, or the clothing covering these parts
- Forcing an unwilling person to touch/look at another's intimate parts.

Consent
Words or actions that show a knowing, active and voluntary agreement to engage in mutually agreed upon activity.

Consent is more than "No means No." Consent is about making sure everyone involved in sexual activities is enjoying themselves and feeling safe. A verbal confirmation is ideal ("Yes!"), but clear non-verbal confirmation is also consent. (Nodding of the head or motioning with the hands). This is the common understanding around affirmative or enthusiastic consent – there is no question that everyone is ready and willing to move forward.

Consent is **NEVER** implied and cannot be assumed – the absence of "no" does NOT mean "yes." Consent **CANNOT** be given if there is pressure, intimidation, force, violence or the threat of violence.

Consent **CAN** be withdrawn at any time.

The above acts constitute sexual assault when they are committed against a person's will when:

- The person is younger than 13 years old
- The person is between 13 or 16 years old and the abuser is related to them by blood or acting as a guardian or parent.
- There is a weapon or threat of a weapon.
- The person has a developmental, cognitive, or physical disability.
- The person is unconscious or incapacitated.

Domestic Violence

A pattern of coercive, controlling behavior that can include physical, emotional, psychological, sexual or financial abuse (using money and financial tools to exert control) committed by the victim's:

- Current or former spouse/partner
- Current or former cohabitant
- Current or former partner whom they share a child with
- Anyone else defined under domestic or family violence law
-

Dating Violence

Any type of physical, sexual, verbal or emotional violence by a person who has been in a romantic or intimate relationship with the victim.

Stalking

The repetitive, intimidating pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community with the intent of annoying or alarming that person or placing that person in reasonable fear for his/her safety and suffer substantial emotional distress.

- Repeated unwanted phone calls, text messages, voicemails (home, work, cell)
- Showing up everywhere someone is (cafeteria, work, library, restaurant)
- Using friends, peers or family to gather information about the person's where abouts
- Tracking or monitoring social media/networking sites- or using social media to display photos or gossip or rumors
- Giving unwanted gifts
- Breaking into someone's records

- Electronic monitoring (GPS, etc.)

Through Bergen Community College's Violence Intervention Prevention Center (VIP), all new incoming students and employees must complete the mandatory Moodle course that includes a ten question exam. As part of Bergen Community College's ongoing prevention and awareness campaigns for students and employees, the following programs are also offered:

- Green Dot Prevention Training
- The Green Dot Strategy program is a bystander approach for the prevention of power-based personal violence that relies on the power of cultural and peer influence. The strategy targets everyone in the community as agents of change to visible reduce the number of incidents of violence.
- Step Up Club (a student club for preventing acts of violence on campus), meets bi-monthly.
- Clothesline Project
- Walk-a-Mile-In-Her-Shoes
- National Campus Safety Awareness Month (September)
- National Sexual Assault Awareness Month (April)

Be an Active Bystander

What is a Bystander?

Bystanders are the largest group of people involved in violence (sexual, dating and domestic). They greatly outnumber both the perpetrators and the victims. Some bystanders know that a specific assault is happening or will happen. Some bystanders see an assault or a potential assault in progress. Bystanders have the power to stop assaults from occurring and to get help for people who have been victimized.

Take for example, the typical perpetrator of college sexual assaults. Most are men who are outwardly charming, have a lot of friends, and do not consider their actions to be wrong (Lisak, 2002). People who know this person (bystanders) and who might be friends with this person, often do not want women they care about (sisters, friends, etc.) to date or hang around this man. But when his behavior is directed at other women whom they are not close to, they often do not think they need to get involved.

Bystanders often know that this person's behavior is inappropriate and potentially illegal, but they do

not know what they can do to make a difference.

As opposed to being the bystander who stands by and does nothing, we want to create a culture of bystanders who are actively engaged in the prevention of violence.

Safe and Positive options for Bystander Interventions:

- Believe someone who discloses a sexual assault, abusive relationship, or experience with stalking;
- Be respectful of yourself and others; Make sure any sexual act is OK with your partner if you initiate;
- Watch out for your colleagues, students and friends; If you see someone on or off campus who looks like they are in trouble, ask if they are okay; If you are afraid to interfere with the situation, call that person over for something very general ("Can I speak to you about the homework from the other day?"); If you see a colleague, student, or friend doing something shady, say something;
- **Speak up**; If someone says something offensive, derogatory, or abusive, let them know that behavior is wrong and you don't want to be around it; Don't laugh at sexist, racist, or homophobic jokes.

ANONYMOUS SEXUAL ASSAULT INCIDENT REPORT

This form is designed to collect relevant information about a sexual assault that affects members of our community. This is an anonymous report form to be completed by any individual who has been a survivor of a sexual assault. A general location description is acceptable, e.g., Parking lot rather than a specific lot number.

1. Date of Report
2. Date of Assault
3. Location of Assault
4. Information on the Victim
   Sex: Female / Male
   Affiliation to Bergen Community College: Student / Faculty / Staff / Not Affiliated (Other)
5. Location: Off Campus / On Campus
6. Information on the Assailant(s):
   Assailant(s): how many were there
   Acquaintance Stranger
   Sex: Female / Male
   Affiliation to Bergen Community College: Student / Faculty / Staff / Not Affiliated Other

7. Type: Sexual Assault / Sexual Contact (non-penetration)
8. Reported to Police? Yes / No / Do not know

1. Reported to another? Yes / No / Do not know
2. Who if known:

Report submitted by (optional):

Date:

Phone/contact number (optional):

Please send this form to: BCC Counseling Center HS100
ATTN: Personal Counseling "CONFIDENTIAL"

What is the Green Dot Violence Prevention Strategy?
The Green Dot Violence Prevention Strategy is the permanent reduction of power-based personal violence- including (but not limited to) sexual assault, dating/domestic violence and stalking.
In order to reach that goal, the Green Dot Violence Prevention Strategy is designed to accomplish the following objectives:

Establish two cultural norms within communities:
Power-based personal violence will not be tolerated. Everyone does his/her part to maintain a safe community

In order to change cultural norms, the Green Dot Violence Prevention Strategy seeks to engage the majority of the community in new behaviors through awareness, programming and education.

How is this done?
- Recognize warning signs of violence
- Understand personal obstacles for intervention
- Identify multiple options for intervention that are realistic and manageable

Participants will receive certification upon completion. To register call 201-879-8994.

Safe Places For Reporting Allegations of Sexual Assault on Bergen Community College Campus

Medical Assistance

Center for Health, Wellness, and Personal Counseling. The RN staff of Health Services provides free first-aid, emergency medical response, and healthcare maintenance to all members of the campus community. Room HS-100. Phone: (201)447-9257

Emergency Services

The Department of Public Safety provides emergency services.
Phone (201)447-9200. Room L-154.
The **Bergen County Sheriff's Office** is located at Paramus Campus, at room A-114.

Advocacy and Support Services

The ***Violence Intervention Prevention (VIP)*** Center provides information, referrals and connects students with an advocate, if requested. Room A-126D (201)879-5462.
Office of Student Life and Conduct Phone: (201)447-7215
healingS.P.A.C.E. A Sexual Violence Resource Center. 24 Hour Hotline: (201)487-2227

Shelter

The ***Center for Hope and Safety*** provides safe housing, hotline counseling, and life changing support services. If you or someone you know is being abused call our 24 Hour Hotline: (201)944-9600

Hotline

Center for Hope and Safety 24 Hour Hotline (201)944-9600
YWCA healingS.P.A.C.E. 24 Hour Hotline (201)487-2227 TTY: (201)487-0916
Alternatives to Domestic Violence (ADV) Phone: (201)336-7575 TTY: (201)336-7525

If a STUDENT would like to report a sexual assault, they can report to:

Title IX Coordinator
Dr. Waldon Hagan
Vice President of Student Affairs Phone: (201)301-1577.

Email: whagan@bergen.edu.

Title IX Coordinator for Students:
Rachel Lerner Colucci,
Dean of Student Life and Conduct: (201) 447-7883.
Email: rlerner@bergen.edu

If STAFF or FACULTY would like to report a sexual assault, they can report to:
Title IX Coordinator for Employees:
Patti Bonomolo,
Director of Human Resources. Phone: (201) 689-7736.
Email: pbonomolo@bergen.edu.



How to Help a Friend

Providing Emotional Support

Although it may be uncomfortable listening to the details of a sexual assault it is important to remember that the victim has chosen to tell you about the incident. They have probably done so because they trust you. You can assist the victim by being a good listener and by helping the victim obtain the information needed to make informed decisions about how to proceed.

Victims may struggle with many concerns related to self-disclosure. Some victims seek out help immediately following an assault while others may wait months or years to break the silence. When an individual has been sexually assaulted, their sense of control over their life and very own body have been taken away. In order to regain this sense of control it is imperative that the victim be allowed to make decisions on how to proceed, including who to tell, whether or not to report the incident to Public Safety and/or the Police, and if and where to obtain medical and/or psychological treatment.

The following information is presented to assist you in helping victims with these concerns. If you have any questions about handling a situation feel free to consult with a Personal Counselor in A-118, or Professors Stafford Barton in HS100 Ext. 7450, Eileen Purcell in HS-100, Ext. 5557, John Giaimo, Ext. 7458, Mrs. Cristina Haedo, (A-101), Mrs. Lois Carmichael, OSS Ext. 5547, you will be under no obligation to release the identity of the victim.

24Hour - FREE AND CONFIDENTIAL Assistance

The Bergen County Rape Crisis Center offers a number of free and confidential services for victims of sexual assault and their significant others. The Rape Crisis Hotline (201-487-2227) is staffed 24 hours a day by trained professionals. The Center handles hundreds of telephone calls a year and the staff can provide a wealth of information on personal safety, medical concerns, police procedures, legal issues and community referrals. They are available to speak directly to victims or to answer the questions of faculty and staff. In addition, advocates of the Center are available 24 hours a day to meet victims on campus or at the medical facility of their choice to provide emotional support and information. Rape Crisis Center staff will also accompany victims wishing to report the crime to the police department and provide support through criminal and/or justice procedures. Whether the sexual assault occurred recently or years in the past, the Center is a valuable resource for both victims and concerned others.

Safety First

It is important that the victim of a sexual assault receive immediate information for their safety. All victims should be questioned to make sure that they have a safe place to stay. If the victim does not have a safe place to stay, they should be referred to Health Services, the VP of Student Affairs, or to a Personal Counselor.

To Report or Not to Report

The decision of whether or not to report a sexual assault to Public Safety (if it was an on- campus sexual assault or the local Police (if it was an on or off campus sexual assault) is a complicated issue. It is the victim's decision. If the individual wants to pursue campus disciplinary and/or criminal charges, filing a report is the first step in the investigation/judicial process.

It is important to note, however, that reports of sexual assault made to Public Safety may not remain totally confidential. Information about the incident will be reported both internally to specific BCC staff with a "need to know" and externally to the local Police. Once a report is filed with Public

Safety the investigation process is set in motion and the local Police will be contacted and will come to campus to also investigate the incident. Public Safety also has an obligation under the Clery Act to report the date of the incident to the State.

Individuals who decide not to pursue external criminal charges against their assailant will be required to sign a waiver form by local Police. Public Safety officers can help the victim contact the local Police. Students may also contact local police on their own whether the assault occurred on or off campus. Bergen County Rape Crisis Center can send an advocate to accompany victims who have decided to report the assault to the Campus Public Safety or local police.

Victims choosing not to pursue charges through the county court system may still file a report through the Vice President of Student Affairs office (201-493-3742) or through the Dean of Student Life & Conduct (201-447-7883).

Medical Issues

The physical health of the victim is critical. A rape is a medical emergency and the individual must obtain immediate medical care and treatment from the closest medical emergency facility.

If the sexual assault was recent, occurring within the last 5 days/or120 hours, the victim might consider having an examination for evidence collection. This examination can be performed at a local emergency room. An evaluation for evidence collection is typically not performed until the police are notified about the assault. Police are notified only at the request of the victim.

At the hospital the victim can also be tested for sexually transmitted diseases. Immediate treatment may be prescribed to prevent STDs and unwanted pregnancy. Follow-up care will be recommended as STDs testing must be repeated at some later date. It is recommended that victims contact the Bergen County Rape Crisis Center (201-487-2227) to learn about options. Victims who decline assessment and treatment at the hospital can obtain information on alternative treatment options at Student Health Services (ext. 9257).

Psychological Issues

The Rape Crisis Center reports that nationally, an estimated that 1 out of 3 American women are raped at least once in their lifetime. Although the rapist is typically depicted as a creepy stranger with a knife, most rapists are considered friends or friendly acquaintances. A study conducted on 32

college campuses (Koss, 1987) revealed that 1 in 4 women who had been a victim of rape or attempted rape knew their attacker 84% of the time.

Emotional reactions following a sexual assault vary but may include emotional shock, fear, anxiety, shame, guilt, depression, and/or anger. Although survivors of both stranger and acquaintance rape may fear for their safety during the assault, survivors of acquaintance rape are often more confused about what has happened and who is responsible. They often blame themselves and feel they will not be believed. It is not surprising that they are less likely to tell anyone and therefore less likely to receive appropriate information, support and treatment.

Often, rape-related symptoms persist months to years following a sexual assault. These symptoms may include intrusive memories related to the incident (e.g., flashbacks, nightmares, and intense psychological distress), an avoidance of situations, people or thoughts that are reminders of the assault, and increased emotional arousal (e.g., trouble concentrating and sleeping, hyper- alertness and irritability). These symptoms may have a negative impact on many aspects of a student's life including his/her academic performance.

Counseling and/or therapy help to reduce or eliminate the symptoms by teaching survivors strategies for dealing with and overcoming the distressing symptoms. It is, therefore, important that survivors receive appropriate information on rape-related symptoms and their treatment. Information on treatment options may be obtained by contacting Health Service (ext. 9257) or the Bergen County Rape Crisis Center (201-487-2227). This information is also available in the student handouts.

Your reaction to a victim's self-disclosure may also impact his/her recovery process. Research has suggested that negative social reactions towards survivors are associated with an increase in the survivor's psychological symptoms. Negative social reactions include comments suggesting the survivor caused it, by taking away control or making decisions for the survivor, by dismissing the event, attempting to distract the survivor from her worries, or by saying "just get on with your life".

It is important that staff and faculty respond to survivors in a non-judgmental manner. This is not only important for a survivor's well-being, but is considered every student's right as stated in the New Jersey Campus Sexual Assault Victim's Bill of Rights. Included in this bill is the right to be free from any suggestion that victims are responsible for the commission of crimes against them and to be free from any suggestion that victims were contributory negligent or assumed the risk of being assaulted.

If you have any questions about handling a situation feel free to consult with a Personal Counselor (ext. 9275).

Legal Issues

All sexual assault cases in Bergen County are handled by the special Sex Crimes Unit investigation team. Sexual assault is considered a crime against the laws of the State. The victim does not need to retain an attorney. The Prosecutor's office assigns an attorney; the victim is considered a witness for the state.

Victims may pursue action against their attacker on-campus or through the county court system. They may choose either of these venues or both. Sexual assault and sexual abuse are violations of College Standards as stated in the Student Code of Conduct. Victims who want information on filing incident report should be encouraged to contact the Dean of Student Life & Conduct. The Student Handbook offers a description of these proceedings.

Sexual assault is also considered a crime against the laws of the State of New Jersey. When a victim reports an assault to the local police, the police will notify authorities at the Bergen County Sex Crimes Unit in Paramus at (201-226-5620). Since the victim is considered a witness for the State, an attorney from the Prosecutor's Office (201-646-2300) will be assigned to handle the case. Therefore, a victim does not need to retain a lawyer. The Prosecutor will review the case and decide whether or not there is enough evidence to pursue criminal charges. If so, the case will be presented to the Grand Jury. The Grand Jury, which consists of 23 citizens, decides whether or not the suspect will be formally charged with the offense of sexual assault. If charged the defendant will enter a plea before a judge. A sentencing date is set for defendants' pleading guilty. For others, the outcome of the case is determined by a trial or through a plea bargaining agreement between the prosecution, the defendant and the defense attorney. These legal proceedings may take months to years. A victim may also file a civil suit, to sue his/her attacker for damages.

Statement of Evidence

Bergen Community College's Administration, Department of Public Safety, and local law enforcement agencies are committed to supporting the victim's exercise of informed choice among services offered, and will work with the victim to preserve evidence as well as assisting the victim in notifying law enforcement authorities, if the student so requests. Bergen Community College will assist the complainant in accessing other available advocacy resources, academic support, counseling

referrals, disability, health or mental health services, and legal assistance both on and off campus; provide additional support which could include guidance on how to proceed in acquiring a no-contact order and/or restraining order, helping arrange a change of working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests. Throughout the investigative and disciplinary process, the accuser and the accused are entitled to the same opportunities to have a support person present throughout the proceedings and will be informed of the outcome of any institutional disciplinary proceeding that is brought alleging sexual misconduct.

Bergen Community College Sexual Assault Action Plan Resources

Mental Health

Bergen County Rape Crisis Center 24 Hour Hotline.....201-487- 2227
Family Services of Bergen County
Survivors of Incest Support Group.....201-342-9200
Rape, Abuse, Incest National Network.....1-800-656-HOPE
Suicide Hotline.....201-976-7077
201-262-HELP Survivors of Rape Mutual Support Group.....201-487-2227

Legal

Bergen County Sex Crimes Unit.....201-646-3600
Bergen County Sheriff's Office.....201-646-2222
Bergen County Prosecutor's Office.....201-646-2300
Division of Youth and Services 24 Hour Hotline.....1-800-792-8610

Medical

Herpes Hotline.....1-919-361-8488
Sexually Transmitted Disease Hotline.....1-800-227-8922
Free and Confidential Testing
Englewood Hospital.....201-894-3254
Hackensack University Medical Center.....201-996-2357
Paterson Board of Health.....973-881-3953
Planned Parenthood.....800-230-PLAN

Websites
Adult Survivors of Child Abuse www.ascasupport.org
American Social Health Association www.sunsite.unc.edu
Bergen County Health www.bergenhealth.org
Center for Disease Control/STD Information www.cdc.gov
Male Recovery www.malesurvivor.org
Planned Parenthood www.ppfa.org/ppfa
Rape, Abuse, Incest National Network www.rainn.org

Resources
The following resources were used in developing the Bergen Community College Crisis

Protocols:
Crisis Intervention Protocols: Fairleigh Dickinson University and the Manual of Practice. Seton Hall University.

Mahan Gary, Juneau (1994) The Campus Community Confronts Sexual Assault: Institutional Issues and Campus Awareness. Holmes Beach, FL: Learning Publications, Inc.
Recovery Brochure, Bergen County Rape Crisis Center.

University Response to Sexual Assault: Protocol Manual, A Policy and Procedures Handbook for Faculty, Students and Staff of Rutgers, the State University of New Jersey.

OBTAINING INFORMATION ON REGISTERED SEX OFFENDERS

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the New Jersey State Sex Offender Registry. All sex offenders are required to register in the state of New Jersey and to provide notice of each institution of higher education in New Jersey at which the person is employed, carries a vocation or is a student.
http://www.nj.gov/njsp/info/reg_sexoffend.html

In addition to the above notice to the State of New Jersey, all sex offenders are required to deliver

written notice of their status as a sex offender to the College's Department of Public Safety no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence in the College. Such notification may be disseminated by the College to, and for the safety and well-being of, the Bergen Community College community, and may be considered by the College for enrollment and discipline purposes.



School Rules, Disciplinary Procedures and Expectations

In order that a community of people may live and work together in harmony, there must be a commitment to its policies & procedures including behavioral expectations. A community has the right to expect of its members certain standards of achievement and of social behavior, and to this end; Bergen Community College has established a framework of rules and academic expectations. Above all else, personal honesty and academic integrity are the fundamental ingredients for success at Bergen Community College.

Community Statement of Rights

As a member of Bergen Community College, I have the right…

- to exist, in this community free from sexual, racial, ethnic, or religious discrimination or harassment or bullying of any kind;
- to believe, act or appear in ways I choose as long as I am in accord with Bergen Community College's rules, regulations, and expectations, and so long as I do not infringe on the rights of others;
- to be trusted and treated with respect and with dignity. I understand that any act of theft, lying, cheating or violence against another will compromise trust and respect and brings serious disciplinary consequences.

SOCIAL EXPECTATION/DISCIPLINARY PROCEDURES

It is the College's expectation that all members of the Bergen Community College community will, at all times conduct themselves in a manner which evidences respect for self, for others (faculty, students, staff, guests and visitors) and for the College. The quality of interpersonal relationships among people committed to a common goal is the cornerstone upon which all else is built.

Continuance at Bergen Community College for the following academic year will be predicated upon students having met this expectation. The granting of a Bergen Community College diploma will presume the same. In cases where the Dean of Student Life & Conduct determines that these expectations have not been met, Bergen Community College may opt not to allow a student who has been asked to leave to return and this can preclude the granting of a Bergen Community College diploma.

STUDENT CONDUCT POLICY & PROCEDURES

Purpose: To establish guidelines and procedures to ensure just and fair disciplinary action determined by the nature of the offense and to ensure the right of appeal in situations involving minor offenses.



I. Student Code of Conduct

- Core Values of Student Conduct at Bergen Community College
- Definitions

II. Authority

III. Violations of the Law and This Code

IV. Special Provisions

V. Standards of Conduct

A. Conduct Demonstrating a Lack of Integrity, Generally

B. Conduct Demonstrating a Lack of Academic Integrity

C. Failure to Adhere to the College's Code of Fairness

D. Actions Detrimental to the College Community

E. Actions Exhibiting a Lack of Respect for Fellow Students, Property, Faculty and/or Staff

F. Reckless, Irresponsible and Criminal Conduct

VI. Statement of the Rights of the Alleged Victim

VII. Statement of the Rights of the Victim of Sexual Assault (in accordance with the Campus

SaVE Act of 2014)

VIII. Statement of the Rights of the Respondent

IX. Student Code of Conduct Process and Procedures

A. Reporting an Incident
B. Reporting a Student for an Academic Integrity
C. Initial Investigation
D. Student Conduct Conference
E. Student Conduct Hearing
F. Appeal Procedures

STUDENT CODE OF CONDUCT

I. Student Code of Conduct

Bergen Community College, in this Code will be referred to as the College, is committed to providing a campus environment that is conducive to academic inquiry in the College tradition. The College is a comprehensive, educational institution that exists to foster inquiry and public discourse. Student members of the College community are expected to abide by certain standards of conduct that form the basis of the Student Code of Conduct [this Code] and ensure that their visitors do likewise. These standards are embodied within a set of core values that include integrity, fairness, respect, community, and responsibility. When students fail to adhere to this Code, College or community standards, appropriate proceedings may be initiated under this Code to address the failure and its consequences.

This Code is provided to give students a general notice of prohibited conduct. This Code has not been designed to set forth an exhaustive list of misconduct, but to establish behavioral guidelines. It is the responsibility of all students to become familiar with this Code.

Core Values of Student Conduct at Bergen Community College

- Integrity: Bergen Community College students exemplify honesty, honor and a respect for the truth in all of their dealings.
- Fairness: Bergen Community College students are fair, just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unfair, unjust and inequitable behaviors.
- Respect: Bergen Community College students show positive regard for each other, for property and for the community.
- Community: Bergen Community College students built and enhance their community
- Responsibility: Bergen Community College students are given and accept a high level of

responsibility to self, to others, and to the community.

Definitions

Respondent - any student who has been accused of an act or misconduct as prohibited by this Code.

Administrative hearing - a meeting held by the Dean of Student Life & Conduct or his/her designee with the Respondent.

Administration or staff - any person who currently holds a non-faculty appointment within the College.

Business day - any day when the College offices are open for business.

College - the College and all of its campuses, divisions and programs.

College Advisor - a member of the College community, who is not an attorney and not related to the student going through the process, who has been selected by a respondent or by a Complainant to assist him/her in hearings or conferences conducted in accordance with this Code.

College grounds or premises - buildings or grounds, used, owned, leased, operated, controlled or supervised by the College.

College sponsored activity - a College sponsored activity means any academic, athletic, co-curricular, extra-curricular or other activity on or off-campus, which is initiated, aided, authorized or supervised by the College.

Complainant - the initiator of the complaint alleging an act or misconduct which may constitute a violation of this Code.

Hearing Panel - a group that is comprised of no less than three nor more than five members of the Community Standards Review Board.

Community Standards Review Board - a group of not less than ten nor more than twenty members of the College community who are appointed by the Coordinator of Student Conduct or such other person as designated by the Vice President of Student Affairs, which members of the group shall be appointed to a hearing panel to hear conduct referrals relating to alleged violations of the Student Code of Conduct, except for alleged violations of the Standards of Academic Integrity.

Member of the Community Standards Review Board - a student or employee of the College that has applied for, been trained by the Dean of Student Life & Conduct , or such other person designated by the Vice President of Student Affairs, to hear conduct referrals relating to alleged violations of the Student Code of Conduct.

Chief Conduct Officer - the Dean of Student Life & Conduct or such other person as the Vice President of Student Affairs may designate.

Conduct Referral - all incidents are entered through Maxient, the College Conduct web based software System. Reports can be completed online through the Office of Student Conduct webpage or in person at the Office of Public Safety, L-154. The incident report includes a description of alleged misconduct and all information pertaining to the event.

Faculty - any person who holds a current academic appointment within the College.

Member of the College Community - any student, faculty, administrator or staff member of the College or visitor to the College.

Student - all persons taking courses at the College, full-time, part-time and non-degree pursuing undergraduate, professional studies, or continuing education, without regard to the physical location of the course, including off-campus sites or through distance learning. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College are considered students.

Student Conduct Conference - a meeting held by the Dean of Student Life & Conduct and/or his designee with the Respondent forty-eight (48) hours prior to the Respondent student's scheduled hearing before the Community Standards Review Board to outline the hearing process.

Student Organization - a College-recognized group of Bergen students meeting the criteria for group registration or recognition established by the Office of Student Life.

Victim - a member of the College community who alleges that he/she has suffered personal harm or injury as an alleged violation(s) of this Code.

II. Authority Violations of the Law and This Code

The Board of Trustees at Bergen Community College has adopted by appropriate resolution the terms and provisions of this Code of Student Conduct and, by the adoption of this Code of Student Conduct, has empowered the employees and Boards referenced herein to enforce the terms and provisions set forth.

The College maintains the right to take all necessary and appropriate action to protect the health, safety and welfare of the employees, students and visitors to the College campus community. This Code may be applied to conduct that takes place during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. Further, this Code applies to members of the College community as defined, whose host may be held accountable for the misconduct of their guests. Sanctions for violations by visitors and guests may include but not be limited to a warning, Campus-Wide No Trespass and referral to the

Department of Public Safety and Bergen County Sheriff's Department. Visitors to and guests of the College are also protected by this Code, and may initiate grievances for violations of this Code committed by members of the College community against them. The College may address misconduct that occurs prior to, but is not reported until after, the graduation of the offending student, as long as the misconduct is reported within six months of its occurrence. Otherwise, there is no time limit on reporting of violations of this Code, as long as the offending student is still enrolled at the College. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct. The Dean of Student Life & Conduct and/or his/her designee is responsible for overseeing processes related to the implementation of this Code.

Students at the College are provided annual notification that explains how they may access this Code on the College Web site. The printed document is also available, upon request, in the Office of Student Conduct, (1st Floor of the Pitkin Education Building). Incident reports can be filed with the Office of Public Safety (L-154) and the Office of Student Conduct. Incident reports can also be filed online via Maxient, the College's web based conduct software management system. The link to the online reporting form can be found online under the Office of Student Conduct website. The completed form arrives electronically for the Office of Student Conduct to review. Please note that if the form is not completed in its entirety, the Office of Student Conduct may be limited in its ability to investigate and address the incident. Students are charged with the responsibility to read and to abide by the provisions of this Code and the authority of the student conduct process. This Code and the student conduct process apply to the conduct of individual students and College recognized student organizations. Because this Code is based on shared values, it sets a range of expectations for the student no matter where or when their conduct may take place. Therefore, this Code applies to conduct that takes place on the campus, at College-sponsored events, and off campus, when the administration determines that the off campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Violations of local ordinance, state or federal law, including repeat violations of any local ordinance, state or federal law committed in the municipality where the College is located.
- Actions which may present a danger or threat to the health or safety of him/herself or others.
- Actions which significantly impinge upon the rights, property or achievements of self or others or significantly breach the peace and/or cause social disorder.
- Actions which are detrimental to the educational interests of the College.

III. Violations of the Law and This Code

Violations of local ordinances, state and federal laws are offenses under this Code even where those violations are not explicitly prohibited by this Code. Where such offenses occur off campus, the College may institute proceedings upon the decision of the Dean of Student Life & Conduct that the conduct affects a substantial interest of the College. The College may institute proceedings against a student charged with violation of federal, state, or local laws without regard to the existence or possibility of civil or criminal legal proceedings. It is the policy of the College to investigate all incidents under this process in a timely manner internally, rather than to delay campus proceedings for external criminal and/or civil proceedings arising from the same misconduct.

This Code also applies to acts which constitute violations of the law and this Code. Any action at the College during the pendency of an administrative, civil and/or criminal proceedings arising out of the same or other events shall not be the subject to challenge on the ground that criminal charges are pending, dismissed or reduced. The filing of a complaint with the College does not preclude any member of the College community from seeking civil or criminal redress.

IV. Special Provisions

a. Attempted violations

In most circumstances, the College will treat attempts to commit any of the violations listed in this Code as if those attempts had been completed.

b. College as Complainant

As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

c. False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of this Code to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

d. Group Violations

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint Respondent students. In any such action, however, determinations will be made with respect to the involvement of each accused individual.

e. Amnesty for Victims

The College encourages the reporting of crimes and violations of this Code by victims. Sometimes, victims are hesitant to report to college officials because they fear that they may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of severe conduct offenses amnesty from policy violations related to the incident.

f. Good Samaritan

In a community, students are encouraged to help other members of the community who are in need; to be Good Samaritans. When a student has assisted an intoxicated student in procuring campus safety and/or professional medical assistance at Health Services, or any other healthcare facility, neither the intoxicated student nor the individual(s) who assist them will be subject to formal action through this process for (a) being intoxicated, or (b) having provided that person alcohol an/or drugs. This applies only to first-time, isolated incidents, and does not excuse or protect those who flagrantly or repeatedly violate college alcohol and/or drug policies.

g. Parental Notification

The College reserves the right to notify parents/guardians of any student whose conduct is deemed to be in violation of this Code. The College reserves the right to notify all law enforcement agencies of any breach the provisions of this Code involving alcohol, drugs or any other act that is a danger to the health, safety and well-being of any member of the College community. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

h. Notification of Outcomes

The outcome of a hearing is part of the educational record of the Respondent student, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions as follows:

1. Complainants in sexual misconduct and sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.
2. The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault,

destruction/damage/vandalism of property and kidnapping/abduction. The College will also release this information to the complainant in any of these offenses regardless of the outcome.

3. The College may also release notification of outcomes to any employment agency/entity requesting disciplinary records of the student as long as permission has been granted, in writing, by the student who breached the Code.

i. Defenses

It has become common for students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The College's policy on defenses is clear. Defending your actions could be admission of a violation of policy. "Yes, we fought, but he started it" still means you had a fight, and that violates this Code. Taking someone's property under the influence of an anti-depressant, is still taking someone else's property. While your defense will not excuse your actions, the College will take the legitimacy of your defense into consideration in addressing the proper sanction. If you were not the aggressor in a fight, you may still be sanctioned, but your sanction may be lesser than the sanction of the person who started the fight.

j. Misconduct Online

Students are advised that behavior online can be the subject to disciplinary action as if such conduct took place face-to-face. Online harassment, bullying, threats or similar conduct, will not be tolerated and any student that violates this policy will be subject to disciplinary action. Students must be aware that social media postings are in the public sphere, and are not private. These postings can subject a student to allegations of conduct violations, if evidence of policy violations is posted online. The College will take action if and when such information is brought to the attention of the College.

V. Standards of Conduct

A. Conduct Demonstrating a Lack of Integrity, Generally

Students are required to exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lack of integrity includes, but is not limited to:

1. Acts of dishonesty, which include:
   - Furnishing false written or oral information to any College official, faculty member or office;
   - Forgery, alteration, destruction or misuse of any College document, record, timesheets or instrument of identification including but not limited to College and College related material such as academic forms, files, transferring, course registration

document, records, identification cards or other documents. Students may also be subject to criminal charges in the event a violation of the policy is found;
- Tampering with the election of any College registered student organization;
- Causing, condoning, or encouraging the completion of any College record, document or form dishonestly;
- Initiating a false report or warning of fire, explosion, bomb threat, or other emergency; or
- Engaging in deceptive practices such as concealment, distortion of the truth for the purpose of misleading others, duplicity, fraud, or cheating.

2. Knowingly presenting a worthless check or forging a money order in payment to the College or to a member of the College community acting in an official capacity, or failure to make satisfactory arrangement for the settling of accounts with the College.
3. Violations of positions of trust or authority within the community.
4. Misuse or unauthorized use of the College or organizational names and images.
5. Theft, attempted theft, robbery, bribery, extortion, misappropriation of funds or property and/or possession of stolen property, which include, but is not limited to:
   - Knowingly possessing stolen property;
   - Damaging items rented, leased, or placed on the campus at the request of the College;
   - Selling or attempting to sell textbooks unless the seller is the owner of the textbook or has the permission of the owner to do so; or
   - Taking, attempting to take, or keeping items belonging to the College.

B. Conduct Demonstrating a Lack of Academic Integrity

Students are required to exemplify Academic Integrity in all of their dealings and interactions. Bergen Community College is committed to academic integrity-the honest, fair, and continuing pursuit of knowledge, free from fraud or deception. Students are responsible for their own work. Faculty and academic support services staff will take appropriate measures to encourage academic honesty.

Behavior that demonstrates a lapse in Academic Integrity includes, but is not limited to:

1. Use of unauthorized assistance in any academic work, such as:
   - Copies from another student's work;
   - Uses notes, books, electronic devices or other aids of any kind during an exam, when doing so is prohibited; or
   - Steals an exam or possesses a stolen copy of any exam.

2. Giving unauthorized assistance to another student, such as:
   - Completing a graded academic activity or takes an exam for someone else;
   - Giving answers to or shares answers with another student before or during an exam or other graded academic activity; or
   - Sharing answers during an exam by using a system of signals.
3. Fabricating data in support of an academic assignment, such as:
   - Citing sources that do not exist;
   - Citing sources that were not used; or
   - Submitting any academic assignment which contains falsified or fabricated data or results.
4. Inappropriately or unethically uses technological means to gain academic advantage, such as:
   - Inappropriately or unethically acquiring material via the internet or by any other means; or
   - Uses any devices (electronic or hidden) for communication or unauthorized retrieval of information during an exam.
5. Cheating which includes, but is not limited to:
   - The use of any unauthorized assistance in taking quizzes, tests, or examinations;
   - The use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
   - The acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; and/or
   - Engaging in any other such behavior specifically prohibited by a faculty member in the course syllabus.
6. Plagiarism is a form of academic dishonesty and may be a violation of U.S. Copyright laws. Plagiarism is defined as the act of taking someone else's words, opinions, or ideas and claiming them as one's own. Plagiarism includes, but is not limited to the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment of their authorship. It also includes materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
   Examples of plagiarism include instances in which a student:
   - Knowingly representing the work of others as his/her own;
   - Represents previously completed academic work as current;

- Submits a paper or other academic work for credit, which includes, words, ideas, data or creative work of others without acknowledging the source; and/or
- Uses another author's exact words without enclosing them in quotation marks and citing them appropriately.

*Note: An instructor may establish other guidelines regarding academic integrity consistent with the College policy.

C. Failure to Adhere to the College's Code of Fairness

Students are required to honor fairness and strive for fairness in all their dealings and interactions. Behavior that demonstrates a lapse of fairness includes, but is not limited to:

1. Disruption of College operations, including obstruction of teaching, research, administration, other College activities.
2. Obstruction of freedom of movement by community members or visitors.
3. Abuse, interference or failing to comply in the College processes including any hearings under this Code.
4. Abuse of the process and procedures of this Code as set forth herein:
5. Failure to follow the Student Code of Conduct process and procedures including but not limited to:
   - Falsification, distortion, or misrepresentation of information;
   - Failure to provide or the destroying or hiding of information during an investigation of an alleged policy violation;
   - Attempting to discourage an individual's proper participation in, or use of, the Student Code of Conduct process and procedures;
   - Harassment (verbal or physical) and/or intimidation of a member of the Hearing Board prior to, during, and/or after a campus conduct proceeding;
   - Failure to comply with the sanction(s) imposed by the hearing board;
   - Failure to respect the dignity and privacy of fellow Bergen Community College members by disclosing confidential information obtained during participation in a review board; or
   - Influencing or attempting to influence another person to commit and abuse the Student Code of Conduct.

D. Actions Detrimental to the College Community

Students are required to honor and value their community in all their dealings and interactions. Behavior that demonstrates a lack of Community includes, but is not limited to:

1. Damage to or littering the College grounds and/or properties owned or leased by the College or a registered student organization including, but not limited to:
   - Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespass;
   - Violating the No Smoking policy;
   - Driving motor vehicles on lawn or grounds without permission;
   - Failure to clean up sidewalk chalk;
   - Failure to maintain an organization's facilities and/or surrounding property; or
   - Vandalism, the causing of damage to the property of another or to the College.
2. Unauthorized entry or use of the College property including the possession, use, or duplication of keys or other methods of controlled access such as ID or access cards or codes.
3. Intentional and unauthorized taking of the property of the College or personal property of a member of the College community.
4. Disruption or obstruction of teaching, research, administration, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises. Examples of this include, but is not limited to:
   - Unruly classroom behavior;
   - Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions;
   - Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; or
   - Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
5. Inappropriate use of College computing resources as stated in the Policy on Information Technology, including misuse of the College computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include:
   - Use of computing facilities to send harassing or abusive messages;
   - Use of computing facilities to interfere with the work of other community

members;
- Unauthorized access to a file or personal or group account;
- Use of computing facilities to interfere with normal operation of the College computer system;
- Anonymous or forged network news articles or E-mail messages;
- Disk usage over the allotted limit without prior approval;
- Unauthorized transfer of a file;
- Unauthorized use of another individual's identification and password;
- Making copies of copyrighted computer software when no written authority to copy the software has been granted; or
- Gambling.

6. Constructive or actual possession and/or illegal use of firearms, other potentially dangerous items that may be used as weapons (including, but not limited to BB/pellet guns, slingshots, and sharp edged instruments, such as hatchets when used as weapons) and/or inherently dangerous or explosive materials including fireworks. Boxcutters, if required for class, will be maintained in the classroom by the instructor (as should similarly intended supplies).
7. Having animals on campus except as may be required for a class or as service animals.

E. Actions Exhibiting a Lack of Respect for Fellow Students, Property, Faculty and/or Staff

Students are required to show respect for each other, for property and for the community in all their dealings. Behavior that demonstrates a lack of respect includes, but is not limited to:

1. Assault or attempted assault, which may include hazing, physical abuse or injury of any individual.
2. Threat, verbal assault, abuse or physical obstruction of any individual. Such behavior includes verbal or physical disruption or obstruction of teaching, research or disciplinary proceedings of any individual, office or authorized College activity. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary).
3. Discriminatory harassment including speech, actions or conduct which has the effect of depriving a member of the community of educational or employment access, enjoyment, benefits or opportunities.

- For offensive or annoying behavior to rise to a level of a code violation, such behavior must have the potential to cause a deprivation of the civil rights of a member of a protected class.
- Protected classes at the College include gender, race, color, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, and pregnancy status.

4. Bullying is prohibited at the College. The State of New Jersey defines bullying as: activities of harassment, intimidation, or bullying which includes any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably, perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A..18A:37-15.3 that substantially disrupts or interferes with the orderly operation of the school or the rights of other students.
5. Bullying by electronic communication is also prohibited by the College. The State of New Jersey defines "electronic communication" as a means a communication transmitted by means of any electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager. Violations of this Code may result in college suspension, college expulsion, withholding a degree, revocation of admission and/or degree.

State of New Jersey's Anti-Bullying Bill of Rights Act

In compliance with the State of New Jersey's "Anti-Bullying Bill of Rights Act", the College will maintain zero-tolerance towards behavior involving harassment, intimidation, and/or bullying of any kind that is directed to students, members of the College community, and/or visitors. Harassment, intimidation and/or bullying includes but is not limited to any gesture, written, verbal or physical act, or any electronic communication that targets another individual and/or that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other

distinguishing characteristic, that takes place on or with college property or at any College sponsored function. A reasonable person should know, under the circumstances, that the above identified behavior will have the effect of physically or emotionally harming a student, staff person or visitor or damaging the student, staff person or visitor's property, or placing a student, staff person or visitor in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or has the effect of insulting or demeaning any student or group of students, staff person or visitor in such a way as to cause disruption in, or interference with, the orderly operation of the College; or creates a hostile environment for the student, staff person or visitor at the College; or infringes on the rights of the student, staff person or visitor at the College.

To report any form of bullying, students must contact the Dean of Student Life & Student Conduct immediately. Contact information is available by accessing the online staff directory and/or by visiting the Office of Student Conduct located on the 1st floor of the Pitkin Building—in the Paramus Campus.

6. Hazing, which includes behavior that endangers the mental or physical health of a student as a condition for initial or continued affiliation with any group, regardless of either the lack of intent to endanger the student or the student's own willingness to participate. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts and constitute violations of this rule.
7. Domestic Violence which includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim on the basis of an intimate relationship between the two, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
8. Dating Violence means violence committed: (a) by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined in consideration of the following factors:
   - The length of the relationship;

- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

9. Stalking which includes engaging in a course of conduct directed toward a specific person that would cause a reasonable person to: (a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress. Stalking is defined as repetitive, menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or c) disregarding the safety of a person's immediate family members or community with the intent of annoying or alarming that person or placing that person in reasonable fear for his/her safety.
10. Sexual misconduct, including:
    A. Sexual Harassment:
        - unwelcome, gender-based verbal or physical conduct that is,
        - sufficiently severe, pervasive and objectively offensive so that it,
        - unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's education program and/or activities, and is
        - based on power differentials (quid pro quo), that creates a hostile environment, or retaliation.
        - Examples include: an attempt to coerce an unwilling person into sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

    B. Non-Consensual Sexual Contact:
        - any intentional sexual touching,
        - however slight,
        - with any object,
        - by one person upon another person
        - that is without consent and/or by force.
        - Examples include: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact of a sexual manner.

    C. Non-Consensual Sexual Intercourse:

- any sexual intercourse,
- however slight,
- with any object,
- by one person upon another person
- that is without consent and/or by force.
- Intercourse includes: Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

D. Sexual Exploitation:

- Occurs when a student takes non-consensual or abusive sexual advantage of,
- Another for his/her own advantage or benefit,
- Or to benefit or advance anyone other than the one being exploited,
- And that behavior does not otherwise constitute one of other sexual misconduct offenses.
- Examples include: invasion of sexual privacy; prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting a sexually transmitted disease or the Human Immunodeficiency Virus to another student; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; sexually-based stalking and/or bullying may also be forms of sexual exploitation.

E. The Use of Force and Coercion:

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.")
- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they

do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

F. Incapacity of the Victim:
   - Sexual activity with someone who one knows to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
   - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
   - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at http://www.911rape.org/.
   - Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
   - Any act of a sexual nature, such as but not limited to,sexual harassment, non-consensual sexual contact and/or intercourse, is not allowed on college premises.
   - or any substance used to incapacitate an individual. For information on rape drugs visit: http://www.911rape.org/.

G. Lewd or obscene conduct:
   - Public urination
   - Sexual acts performed in public
   - Surreptitiously taking pictures of another person in a gym, locker room, or restroom
   - Streaking
   - Possession or distribution of pornographic material
   - Possession or distribution of any obscene materials, as defined by the

standards of the College community.

H. The Defense of Consent:

- Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent is only effective if given by an individual must be of legal age, 18 years or older.
- There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The use of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non –consensual, but non-consensual sexual activity is not by definition forced.

1. Inappropriate conduct, which is disorderly, disruptive, or indecent while on campus or at functions sponsored by, or participated in by, the College.
2. Failure to follow procedures for College events held on or off-campus.
3. Verbal assault or abuse to, interference with or noncompliance to campus public safety officer(s) or other College officer(s) while they are acting in performance of their duties on College premises.
4. Failure or refusal to produce a College identification card upon demand by a security officer or other official of the College acting on his/her official capacity or an officer of the law.
5. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
6. Smoking in any College building or areas designated as non smoking. Bergen Community College is a smoke free campus.

F. Reckless, Irresponsible and Criminal Conduct

Students are given and required to accept a high level of responsibility as role models in

all their dealings. Behavior that demonstrates a lapse of responsibility includes, but is not limited to:

1. Intentionally or recklessly causing a fire which damages the College or personal property, or which causes injury to any member of the community.
2. Failure to follow fire safety procedures.
3. Misusing, damaging or tampering with fire safety equipment.
4. Intentionally or recklessly obstructing a fire exit in any College building.
5. Failure to comply with the directions of College officials and/or failure to identify oneself to these persons when requested to do so.
6. Failure to discourage a known and obvious violation of the College policy or public law; Assisting in violation of the College policies or public laws.
7. The knowing failure of any organized group to exercise preventive measures relative to violations of this *Code* by members.
8. Use, possession, manufacture, sale, purchase, transportation, and/or distribution of alcoholic beverages while on College premises. Use, possession, manufacture, sale, purchase, transportation, and/or distribution of narcotics, or other controlled dangerous substances, as well as drug paraphernalia, and/or abuse of prescription medications and drugs. For the purposes of this *Code*, distribution is determined by the quantity of drugs, means and materials for distribution. Please see the full policy on illicit drugs in The Student Handbook.
9. Operating a business. State property or facilities may not be used for personal profit, sale, and/or solicitation. Use of any facilities is prohibited unless participating in a College sanctioned event. This includes, but is not limited to, the commercialization of rooms or participation in a plan for the use of any space for gambling or to solicit students or patrons for private businesses.
10. Violation of federal, state or local laws.

VI. Statement of the Rights of the Alleged Victim

The following is a non-exclusive list of rights that belong to any victim. The following list is intended to supplement any and all other rights that a victim may have at law and is not intended to replace or supercede any legal rights.

- The right to an investigation and resolution of all credible complaints of sexual misconduct made in good faith to College administrators.
- The right to be treated with respect by College officials.
- The right to have the same opportunity to have others present (in support or advisory

roles) during a hearing before the community standards review board. Please be advised that the Respondent also has this right.

- The right not to be discouraged by College officials from reporting an assault to both on-campus and off-campus authorities.
- The right to be informed of the outcome and sanction of any hearing before the Community Standards Review Board involving sexual assault, usually within twenty-four (24) hours of the end of the hearing.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including campus and local police and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report an incident at the victim's discretion.
- The right to be notified of available counseling, mental health or student services for survivors of sexual assault, both on campus and in the community.
- The right to receive notification of all reasonably available assistance in changing academic situations after an alleged sexual assault incident, if so requested by the victim (no formal complaint or investigation, campus or criminal, need occur before this option is available). Accommodations may include but are not limited to:
  - o Change of an on-campus student to a different on-campus location;
  - o Assistance from College support staff in completing the relocation;
  - o Rescheduling of exams or term papers;
  - o Taking an incomplete in a class;
  - o Transferring class sections;
  - o Temporary leave;
  - o Alternative course completion options.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated).
- The right to make a victim-impact statement at the Student Conduct Hearing and to have that statement considered by the Community Standards Review Board during determinations.
- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others.
- The right to have complaints of sexual misconduct responded to quickly and with

sensitivity by campus law enforcement.

- The right to appeal a determination of the Community Standards Review Board in accordance with the standards for appeal established by the College.
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least forty-eight (48) hours prior to the hearing.
- The right to be informed of the names of all witnesses who will be called to give testimony, within forty-eight (48) hours of the hearing, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (this does not include the name of the victim/complainant, which will always be revealed).
- The right to preservation of privacy, to the extent possible and allowed by law.
- The right to a hearing closed to the public.
- The right to petition that any member of the Community Standards Review Board be removed on the basis of demonstrated bias.
- The right to bring a victim advocate or advisor to all phases of the investigation and Student Conduct Hearing.
- The right to the assistance of an advisor of his/her choice. The advisor may not be an attorney, a member of the student's family or anyone outside the College community. The advisor does not address the Community Standards Review Board or speak for the student at any time during the hearing. The advisor and student may confer during the hearing. The advisor's role is to assist the student in understanding and clearly responding to the committee's questions and in making the points related to his/her case. The advisor also may assist the student in preparing his/her opening statement for the hearing. The advisor's intended role should not be solely moral support.
- The right to give testimony in a hearing before the Community Standards Review Board by means other than being in the same room with the Respondent.
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
- The right to have the College compel the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the respondent), and the right to challenge documentary evidence.
- The right to be present for all testimony given and evidence presented before the conduct

body.

- The right to a hearing panel comprised of representatives of both genders.
- The right to have the College policies and procedures followed without material deviation.
- The right to be informed in advance of any public release of information regarding the complaint.
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

VII. Statement of the Rights of the Victim of Sexual Assault (in accordance with the Campus SaVE Act of 2014)

NEW JERSEY CAMPUS
SEXUAL ASSAULT VICTIM'S
BILL OF RIGHTS
(PURSUANT TO P.L. 1994 CHAPTER 160)

A College or University in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the College community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault and non-consensual sexual contact, respect for the individual and human dignity are of paramount importance.

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to ensure that the needs of victims are met and that the Colleges in New Jersey create and maintain communities that support human dignity.

Bill of Rights

The following rights shall be afforded to victims of sexual assault that occur:

- On College Campus, and
- Where the victim or alleged perpetrator is a student of the College, and/or
- When the victim is a student involved in an off-campus sexual assault

1. The right to be free from any suggestion that victims must report the crimes to be

assured of any other right guaranteed under this policy.

2. The right to have any allegations of sexual assault treated seriously; the right to be treated with dignity.
3. The right to be free from any suggestions that victims are responsible for the commission of crimes against them.
4. The right to be free from any pressure from campus personnel to:
   - Report crimes if the victim does not wish to do so
   - Report crimes as lesser offenses than the victim perceives the crime to be
   - Refrain from reporting crimes
   - Refrain from reporting crimes to avoid unwanted personal publicity.
5. The right to be notified of existing campus and community based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reporting to campus or civil authorities.
6. The right to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.
7. The right to be informed of and assisted in exercising:
   - Any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy
   - Any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.
8. The right to be afforded the same access to student conduct procedures as the Respondent.
9. The right to be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed to the respondent.
10. The right to be notified of the outcome of the sexual assault disciplinary proceeding against the respondent.
11. The right to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailant(s).
12. The right to be notified of the options for and provided assistance in changing academic situations if such changes are reasonably available.

Legal Rights

13. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported

14. The right to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
15. The right to receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault

What actions can be taken following sexual assault?

Medical

If a sexual assault occurs, it is advisable not to bathe, shower, douche, change clothing, eat, drink, smoke, or urinate immediately. It is advisable to seek a medical examination quickly to collect evidence, should the victim wish to take legal action presently or in the future. Immediate medical attention is also important for physical injuries, sexually transmitted diseases and pregnancy.

It is also advisable to have an HIV test done separately from the medical exam, at an HIV Testing site, where HIV tests are done confidentially, anonymously, and free of charge.

Emotional

Counseling can be obtained to help the victim to deal with the emotions and to regain a feeling of control over one's life.

Legal/Disciplinary

Criminal charges can be filed through the municipality where the assault occurred. A College complaint invoking the Code can be filled with the Office of Student Conduct. Both criminal and college processes may be used simultaneously.

In order for the victim/survivor to regain a feeling of control over her/his life, it is very important that they make the decisions about reporting, medical attention, and counseling. Bergen Community College is committed to making information available so that students can make informed decisions. Talking with someone about the assault does not commit the student to further actions.

Information About Title IX

Title IX is a portion of the Educational Amendments of 1972 (and it's implementing regulation at 34 C.F.R. Part 106). Title IX is a federal law which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. The College does not deny or restrict a student or employee from participating in a program on the basis of sex or gender. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking. Title IX applies to

students, staff, faculty, visitors (including minors) and business vendors at the College. Title IX applies to sex discrimination and/or sexual violence which occurs on campus, at College-sponsored events and programs held off-campus and protects against behavior or conduct that may adversely affect the educational environment for members of the College.

VIII. Statement of the Rights of the Respondent

- The right to be present at the hearing.
- The right to be informed of the supporting documents against him or her.
- The right to have adequate opportunity to rebut the documentation.
- The right to present documentation on his or her behalf.
- The right to bring to the hearing a maximum of three witnesses who directly observed the incident. Written, signed and dated statements from any additional witnesses will be accepted in advance of the hearing.
- The right to the assistance of an advisor of his or her choice. The advisor may not be an attorney, a member of the student's family or anyone outside the College community. The advisor does not address the hearing panel or speak for the student at any time during the hearing. The advisor and student may confer during the hearing. The advisor's role is to assist the student in understanding and clearly responding to the committee's questions and in making the points related to his or her case. The advisor also may assist the student in preparing his or her opening statement for the hearing. The advisor's intended role should not be solely moral support.
- The Hearing Panel must conduct the hearing in an impartial manner that shall not be unduly restricted by the legal rules of procedure, evidence and/or discovery.
- If two or more individuals are involved within the same complaint, individual hearings must be permitted when requested by the student.
- If the respondent desires, he or she may submit a written, signed and dated personal statement in advance of the hearing.

IX. Student Code of Conduct Process and Procedures

A. Reporting an Incident

A complaint against a student for violations of this Code may be made in writing by anyone who feels this Code has been violated. A complaint should be made as soon as possible following the incident. A Complaint Form is available in the Public Safety Office. The complainant should include as much detail of the alleged violation as possible and to the degree possible include specific references to that part of this Code that

pertains to the complaint.

Incident Reports can also be made online via Maxient, a web based conduct software management system. Once a incident is reported via Maxient the Office of Student Conduct receives the complaint electronically and will contact the involved parties to set up a meeting. Please note that if any information is left blank on the reporting form i.e. reporting student's name, and/or contact information the Office of Student Conduct be limited in its ability to fully investigate the complaint. Information regarding Maxient can be found on the Office of Student Conduct web page and a link to the reporting form is https://publicdocs.maxient.com/reportingform.php?BergenCC&layout_id=1.

The Student Code of Conduct process is different from criminal and civil court proceedings. Procedures and rights in proceedings under this Code are conducted with fairness to all, but do not include the same process afforded by the Courts.

The incident report should include:

- Complainant's name, address and telephone number.
- The name of the person who is accused with a violation of this Code.
- The date(s) on which the alleged incident occurred.
- The place(s) where the alleged incident occurred.
- A statement describing, in detail, the alleged incident.
- The name, address and telephone number of any witnesses.

In exceptional circumstances, provisions may be made to protect the identity of reporters and witnesses upon request.

B. Reporting a Student for an Academic Integrity

A faculty member who suspects a student in his/her class, or working under his/her direction, of violating conduct demonstrating a lack of academic integrity can choose to:

- o Submit the report as an "information only" case to request that the incident be kept "on file" for the student, or
- o File official charges with the Office of Student Conduct.

Submitting a report for "information only" or to be "kept on file

- o An instructor who has addressed an alleged violation within the context of their course, and/or believes that a student made an unintentional mistake and who does not want to file an official complaint may submit an "information only" report.
  - Filing Official Charges:
    - o The Office of Student Conduct, in collaboration with the Academic Dean, Department Chair and Faculty, will review all complaints submitted against a

student to determine whether sufficient evidence for a violation of conduct demonstrating a lack of academic integrity exists. If the Dean determines that the evidence is sufficient, the case will be assigned to a staff member within the Office of Student Conduct.

- The Office of Student Conduct does not investigate incidents. Therefore, some incidents submitted may be referred back to the complainant if additional information is necessary. Once a case is assigned and necessary documentation is received by the office, the student will be notified of the incident, charges, and a meeting time to discuss the resolution of the case.

C. Initial Investigation

Upon receipt of a complaint or College police report, the Dean of Student Life & Conduct will inquire as to the circumstances surrounding the event in question to determine whether there are sufficient grounds to believe that a violation of this Code occurred. The Dean of Student Life & Conduct or designee will schedule conferences and obtain a written statement from the complainant, respondent, witnesses and/or other persons directly involved in the incident.

- Based upon the sufficiency of the complaint or report filed, the Dean of Student Life & Conduct or designee may investigate the circumstances surrounding the incident in question and determine whether it warrants an administrative hearing with the Dean of Student Life & Conduct and/or his designee, a hearing before the Community Standards Review Board or referral to the appropriate student conduct process within the College. If the Dean of Student Life & Conduct determines the complaint does not warrant further action, the matter will be closed. Such determinations are appropriate where the complained conduct does not violate this Code, and/or when there is insufficient evidence to support a reasonable belief that this Code has been violated.
- **Interim Suspension** - Pending the completion of the Dean's investigation and subsequent hearing process, the Dean of Student Life & Conduct is authorized to place a Respondent student on interim suspension for reasons related to his/her physical or emotional safety and well-being, to protect the integrity of the investigation, pending the outcome of a psychological or medical assessment and/or for reasons relating to the safety and well-being of students, faculty, staff, or College property. In some cases, the respondent may be permitted to attend classes but be suspended from all other campus activities. This determination will be made by the

Dean of Student Life & Conduct and/or his designee based upon his/her knowledge of the potential threat posed by the respondent student's presence on campus. Whenever such action is taken, a hearing before the community standards review board will be convened within ten (10) business days, unless an extension is agreed upon. The hearing process is outlined below. At the time of an interim suspension, a Temporary Campus-Wide Notice of No Trespass may be issued. These documents identify campus locations and events as off limits to the Respondent until further notice.

Subject to the availability of the respondent, the Dean of Student Life & Conduct or designee will conduct a pre hearing conference prior to imposing an interim suspension. If the student is not available, an interim suspension may be imposed for the safety and security of the student or others until such time the Respondent student becomes available. At the student conduct conference, the Respondent student will be given the opportunity to demonstrate to the Dean of Student Life & Conduct or designee a compelling reason (e.g. mistaken identity) why he/she should not be interim suspended pending a hearing before the conduct board.

- **No-Contact Order** – The Dean of Student Life & Conduct may impose a limited or campus-wide No-Contact Order between parties to a complaint when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining to all parties the expected behavior including face-to-face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also prohibited from contact on behalf of either party.
- **Notification** – If the Dean of Student Life & Conduct or his/her designee determines there is reasonable cause to believe that a violation of this Code has occurred, the Respondent will be notified in writing upon receipt of the complaint. The notification time may be longer if necessary to complete the investigation.
- This written notice will include:
- The complaint identifying sections of this Code at issue and sanctions that may result;
- A copy of this Code and procedures applicable to the complaint;
- A request that the Respondent provide a written explanation of the incident (if no prior statement was obtained); A directive to contact the Office of Student Conduct to schedule a Student Conduct Conference.

D. Student Conduct Conference – The Student Conduct Conference will be administered as follows:

A. The Dean of Student Life & Conduct or his/her designee will conduct a pre-hearing conference ("Student Conduct Conference") with the respondent.

B. At the Student Conduct Conference the Respondent will:

- Be informed of the information provided to date by the complainant and other persons;
- Be given an opportunity to raise questions and discuss the information;
- Be given the opportunity to admit the allegations and accept responsibility for the violation(s);
- Be given the opportunity to deny the allegations;
- Be informed of the process and possible remedies and sanctions that may result.

C. As a result of the Student Conduct Conference, the Dean of Student Life & Conduct or his/her designee may:

- Dismiss the complaint;
- Refer the complaint to the Health and Wellness Office for personal counseling for appropriate follow up including mediation with the complainant;
- Refer the complaint to the appropriate administrative process within the College;
- Resolve the complaint informally or impose a remedy and/or sanction that does not warrant suspension or expulsion;
- Determine that a hearing before the Community Standards Review Board is appropriate. The Dean of Student Life & Conduct may then refer the matter for a Hearing within ten (10) business days.

D. If the Respondent does not agree with the decision made at the Student Conduct Conference, the Respondent has the right to appeal the decision to the next level administrator within three (3) business days of receipt of the decision letter. The appeal process will be given in writing at the time of the decision letter.

E. Student Conduct Hearing

Notification of a hearing before the Community Standards Review Board will be provided by the Dean of Student Life & Conduct or his/her designee to the complainant and the Respondent student by regular mail to the student's address of record, and student's official email address @me.bergen.edu account. Delivery is considered to be confirmed when it is sent to the student's account. It is the responsibility of the student to check his/her College email.

The notice will include:

- The name of the complainant;

- The nature of the complaint, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
- The time and place of the hearing. All hearings before the community standards review board will be scheduled during regular business hours. (9 a.m. – 5 p.m.);
- Notice of the right to have witnesses. It is the responsibility of the complainant and the respondent **to contact his/her witnesses** and arrange for their participation. All student witnesses are required to complete and sign a Family Rights and Privacy Act (FERPA) form. No less than forty-eight (48) hours prior to the hearing, the complainant and Respondent student must provide a list of witness names and a statement of their witness' anticipated testimony if a prior statement has not been given to the Dean;
- Notice of the right to have an advisor. (The advisor may not be a witness at the hearing or otherwise participate in the hearing.);
- Notice of the right to present relevant information;
- The names of others who will be present at the hearing (if known), including the names of the hearing officers;
- Notice that a Document File compiled by the Office of Student Conduct with statements from the complainant, respondent and witnesses and any other documentary information will be available to the respondent, the complainant and their advisors for review at least three (3) days prior to the Student Conduct Hearing. An appointment is required to review the Document File. Copies may be made available upon specific request.

Students should note that disciplinary action may be taken, and sanctions may be imposed, if they fail to attend the Student Conduct Conference or any subsequent hearing. Students who fail to appear after being provided with notice will be deemed to have **pled not responsible to the pending charges.**

A student may submit a written request setting forth good cause to postpone the hearing. Except in emergency situations, no written request for a postponement will be considered unless received at least three (3) business days before the hearing.

Members of the Community Standards Review Board

Hearings before the review board for violations of this Code will be conducted by a trained member(s) of the College faculty, staff, or consultant designated by the Office of Student Conduct.

Conduct of the Hearing

The hearing panel shall consist of not less than three (3) nor more than five (5) members of the Community Standards Review Board, which panel shall listen to the information presented by the Chief Conduct Officer, any documentation submitted by the Chief Conduct Officer, and shall hear the testimony of witnesses, including, but not limited to, the respondent. After hearing all of the necessary testimony and reviewing all of the necessary documents, the hearing panel shall determine whether the respondent is responsible for the charged violation. If the hearing panel determines that the Respondent is responsible for the charged violations, then the Chief Conduct Officer shall advise the hearing panel of the appropriate sanctions that should be imposed upon the student. The hearing panel shall then determine what sanctions should be imposed after hearing presentation from the Chief Conduct Officer. If the hearing panel finds the respondent is not liable for the charged conduct the matter shall be closed.

The hearing will be closed to all members of the campus and outside community except for those directly involved with the complaint. The complainant or victim and the Respondent each have the right to be assisted by an advisor of their choice who is not a witness in the complaint. If the victim of the alleged act of misconduct is not the complainant, the Hearing Officer may also allow the victim to attend. An advisor may be present to advise only and may not participate. Advisors who interfere with the proceedings can be excused by the hearing officer. Only persons involved in the hearing process will be permitted in the vicinity of the hearing.

An audio recording of the hearing, but not the closed deliberations of the Community Standards Review Board, will ordinarily be made and kept by the Office of Student Conduct. If the recording is not made for any reason, the decision of the Hearing Panel will include a summary of the testimony and shall be sufficiently detailed to permit review by the Dean of Student Life & Conduct.

It is expected that participants and advisors will respect the dignity and privacy of each member of the College Community and keep private that which transpires during the hearing, in accordance with federal law.

Student witnesses, when called by the College on behalf of the Complainant, the Respondent, or the College, are required to participate in the hearing process.

The hearing will be conducted in the following manner:

1. All participants and advisors will be introduced to the Chief Conduct Officer.
2. The Chief Conduct Officer will recite the complaint against the student and all code sections alleged to have been violated.

3. The Respondent will state whether he/she is responsible, not responsible for the Respondent conduct or not or whether he/she is responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the conduct but believes there were circumstances that should be taken into consideration by the hearing panel in the determination of the merits of this complaint.
4. Statements regarding their respective positions may be given by the complainant and the respondent. The hearing panel may place reasonable time limitations on these statements.
5. The College reserves the right to assign a representative of the Office of Student Conduct to present the complaint against the respondent.
6. Relevant records, documents, and written statements may be accepted and considered by the hearing panel. The rules of evidence applicable to the courts do not apply to these proceedings.
7. The Complainant and the Respondent may be present throughout the entirety of the proceeding, except for the deliberation phase. The Complainant, the Respondent and the Office of Student Conduct representative will be able to present witnesses, who will be subject to cross examination. Witnesses will be asked to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the College. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony. In the event that a witness is unavailable, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the Respondent student will be given full opportunity to respond to the written statement at the hearing.
8. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Chief Conduct Officer, and are instructed not to communicate with other witnesses outside the hearing during the proceedings.
9. All parties may question each other and the witnesses, and the Chief Conduct Officer or other member of the hearing panel may direct questions as appropriate to any participant. The Complainant and the Respondent may present concluding remarks. The hearing panel may place reasonable time limitations on these

statements.

10. At the conclusion of the hearing the Chief Conduct Officer will advise the Complainant and the Respondent that the hearing panel's determination will be given in writing to the appropriate parties within ten (10) business days.
11. After the hearing, the Hearing panel will retire for closed deliberations. The hearing panel's deliberations will not be recorded or transcribed. The hearing panel's determination will be based upon an evaluation of the information presented and a decision as to whether this Code was more likely than not to have been violated. The determination of the hearing panel concerning each charge will be supported by a brief written summary of its findings. This written summary will be placed in the case file and made available to the parties.
12. Once the determination of the hearing panel has been made, the Complainant will not be notified of the outcome of the hearing EXCEPT in cases of violence or sexual misconduct.
13. For each violation, the hearing officer will impose an appropriate remedy and/or sanction. The Respondent's prior student conduct record will be a factor in determining the appropriate sanction(s), if necessary.
14. The Dean of Student Life & Conduct or his/her designee may implement changes to these proceedings as needed that do not jeopardize the material fairness owed to the parties to any complaint.

Remedies And Sanctions

A. The following remedies and sanctions may be imposed when respondents have been found responsible for violation of this Code. In addition, other remedies and sanctions may be fashioned at the discretion of the hearing officer:
    1. ***Written Warning*** - to the offender that the conduct must stop and any continuation may be a basis for more severe action.
    2. ***Probation*** - Notice that further violation of this Code may result in expulsion. Also, the decision may place some additional restrictions on membership in student organizations and/or participation in activities or may establish special restitution and service requirements.
    3. ***Suspension*** - revocation of the privilege of attending the College and using its facilities for a period of not less than one semester and not more than two academic years.

4. ***Facilities Restriction*** - Revocation or restriction of privileges for the use of some but not all College facilities.
5. ***Expulsion*** - Permanent termination of student status and rights to be present on College property and attend/participate in College-sponsored events.
6. ***Referral to civil or criminal authorities***.

Any of the following may accompany a remedy and sanction.

1. ***Restitution*** requiring individuals to restore or replace within a specified time, property which has been damaged, defaced, lost or stolen.
2. ***Service assignment*** requiring an individual to perform services for the community or the College
3. ***Referral*** to appropriate psychological or psychiatric service for evaluation, mandated assessment, or other special help.
4. ***Fines*** for drug and alcohol violations as outlined in the Student Handbook.
5. ***Campus-Wide Notice of No Trespass*** will accompany a sanction of suspension or expulsion from the College.
6. ***Campus-Wide No Contact Order:*** The Dean may impose a Campus Wide No-Contact Order between parties to a complaint when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the Campus-Wide No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.
7. ***Assignment Failure:*** Assigning a failing grade on the assignment for a specific Bergen Community College course.
8. ***Reduced Course Grade:*** Assigning a lower final course grade for a specific Bergen Community College course.
9. ***Course Failure:*** Failing the student in the specific Bergen Community College course
10. ***Other Educational Sanction:*** Educational sanctions meant to help students learn from their experiences. Other educational sanctions, such as reflection papers, required attendance at educational programs, letters of apology or other restorative assignments may be imposed consistent

with the nature and severity of the violation(s).

B. When considering sanctions to be imposed, a range of factors may be considered, including but not limited to:
   a. The nature and severity of the incident;
   b. The disciplinary history of the student;
   c. The developmental needs of the student;
   d. The level of accountability and responsibility taken by the student;
   e. The level of cooperation from the student;
   f. The interests of the community and those impacted by the violation and;
   g. Any other aggravating, mitigating or relevant factors.

C. Underage students found in violation of the College's Alcohol Policy and/or sanctioned for the possession or distribution of illegal drugs will be subject to the College parental notification policy. (See FERPA Policies and Procedures in the Student Handbook). In addition, the College reserves the right, in accordance with the Family Education Rights and Privacy Act of 1974 (FERPA), to make public notification of the final results of certain student conduct actions (See FERPA Policy in The Guide). Such notification may include the name of the student offender and the type of violation, but will not disclose the names of any other students who were involved as victims or witnesses without their consent.

F. Appeal Procedures

Procedures to Appeal the Hearing Panel's Determination

A. Where the Respondent is found responsible for a violation of this Code that may lead to a sanction less serious than suspension or expulsion, the student can appeal in writing to the Vice President of Student Affairs or his/her designee within three (3) business days of receipt of the hearing panel's determination. The student will have the right to request a final review based on any of the following grounds:
   1. A sanction that is substantially disproportionate to the severity of the violation.
   2. A material deviation from written procedures that jeopardized the fairness of the process.
   3. A demonstrable bias by a member(s) of the hearing panel.
   4. New information, unavailable at the time of the hearing, that could be

outcome determinative.

B. In the case of suspension or expulsion, the student can appeal in writing to the Vice President of Student Affairs or his/her designee within three (3) business days of the receipt of the hearing panel's determination.

C. In the case of suspension or expulsion, the student will not be permitted to be on campus or attend classes pending the outcome of the appeal unless implementation of the sanction is delayed by the Vice President of Student Affairs and/or his/her designee due to extraordinary circumstances.

Appeal of Suspension/Expulsion to the Vice President of Student Affairs

The request for review of an appeal will be considered by the Vice President of Student Affairs or his/her designee to determine whether grounds for an appeal exist. The student will have the right to request an appeal based on any of the following grounds:

1. A sanction that is (substantially) disproportionate to the severity of the violation.
2. A material deviation from written procedures that jeopardized the fairness of the process.
3. A demonstrable bias by a member(s) of the board.
4. New information, unavailable at the time of the hearing, that could be outcome determinative.

Standard of Review for Appeals

1. The Vice President of Student Affairs or his/her designee will review the written request for an appeal within five (5) business days of receipt to determine whether there is sufficient basis to grant an appeal. If so, he/she will proceed to hear the appeal, or return the complaint to the original hearing body for reconsideration or rehearing in light of the basis for the appeal.
2. If the Vice President of Student Affairs and/or his designee determines that there is not a sufficient basis to change the decision of the hearing officer, the student will be notified in writing within five (5) business days.
3. Appeals are deferential to the original hearing determination, and are not intended as a rehearing. If the Vice President of Student Affairs or his/her designee hears the appeal, he/she may determine that there is a sufficient

basis to change the determination of the hearing panel if there is clear error or compelling justification, only. If so, he/she may reverse, sustain or modify the decision, or change the sanction. Normally, appeals involve a review of the hearing record and appeal request. At the discretion of the Vice President of Student Affairs or his/her designee, the parties, witnesses or written documentation may be interviewed/reviewed as necessary to assure fairness.

4. The decision of the Vice President of Student Affairs and/or his/her designee will be final.

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