Bergen Community College

BERGEN COMMUNITY COLLEGE
DEPARTMENT OF PUBLIC SAFETY

ANNUAL SECURITY REPORT

for the 2019-2020 academic year,
containing crime statistics for 2018, 2017 and 2016

CRIME PREVENTION | STATISTICS | INTERVENTION | POLICY & PROCEDURES |

2019



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 13,000 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

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 OR THE POWER TO MAKE ARRESTS. There are no memorandums of understanding regarding any topics, including the investigation of criminal incidents, between BCC and the Bergen County Sheriff's department. The Bergen County Sheriff's Department 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.

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 38 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.

SECURITY AWARENESS & CRIME PREVENTION

BCC Public Safety Department's goal is to be proactive and prevent incidents from occurring to the extent possible. BCC Public Safety are available at all 3 campuses to provide an escort to vehicle and/or classroom/office during hours of operation. To request an escort, contact the Public Safety Office at the relevant campus. Public Safety provides active campus patrols in addition to the use of CCTV surveillance cameras to support their crime prevention efforts. One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of BCC to inform students, staff, and faculty of good crime prevention and security awareness practices at all 3 campuses.

During the 2019-2020 academic year, various departments of BCC in collaboration with the Public Safety Department offered the following programs that have included, but not limited to personal safety and crime prevention tips, drug and alcohol abuse awareness, sexual assault prevention:

- New Student Online Orientation: Includes a module on awareness of Title IX, sexual misconduct, consent, and overview of campus policy and available resources.
- New Student In-Person Orientation
- New Adjunct Orientation
- New Employee Orientation
- Campus Safety Day: Annual program to promote safety awareness and educate the campus community on college policies, resources, safety tips and services to respond to a variety of college safety topics, including sexual misconduct.
- VAWA Education Module: The college offers the BCC VAWA Required Education a two-part course of materials and quizzes for Students and Faculty/Staff on issues of sexual offenses.

- Sexual Assault Awareness Month: The college coordinates a program each Spring for Sexual Assault Awareness Month. Past events have included Responsible Employee training, Bergen County YWCA HealingSPACE Consent Keynote Speaker Session, Student Government Association Interaction Rolling Board, One Billing Rising, Movie Screening: Audrie & Daisy, International Denim Day and others.
- Affirmative Consent Workshops: Affirmative consent education aims to make sure students know that each person engaging in sexual activity must have the affirmative, conscious, and voluntary consent of their partner.
- Clothesline Project: It is a visual display dedicated to raising awareness about the reality of violence in our society. It is composed of t-shirts created by survivors of violence, or in honor of someone who has experienced violence.
- Run, Hide, Fight: Video shown that depicts varied individual response in active shooter situation.

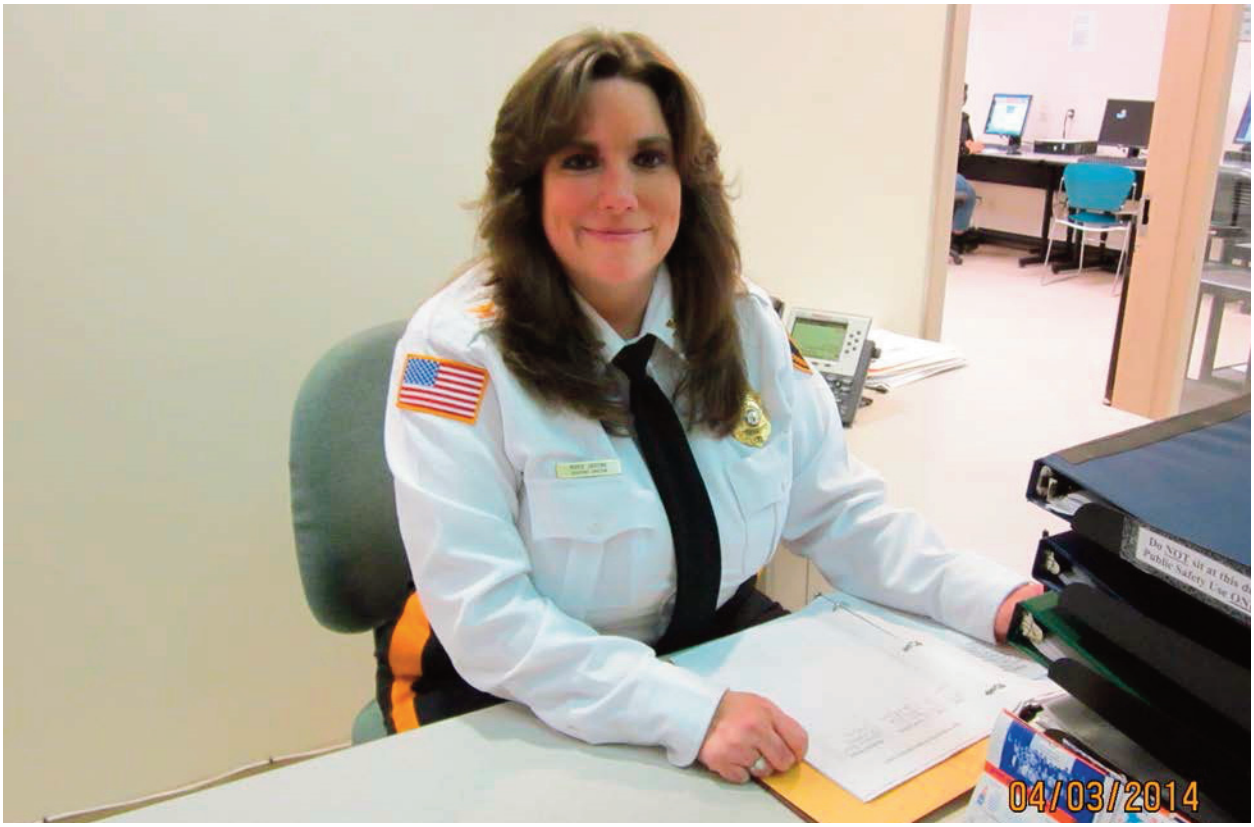
All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and advised to call BCC Public Safety to report suspicious behavior. For additional questions regarding crime prevention, or to request a Public Safety presentation contact the department directly at (201-447-9200) Paramus Campus, (201-301-9700) Hackensack Campus, (201-301-9600) Lyndhurst Meadowlands Campus.

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.

Response to a Report

Public Safety Officers are available 24 hours a day at the Paramus Campus to answer your calls; phone number is 201-447-9200. At the other two campuses Public Safety Officers are available from 7am-11pm, Mon-Fri to answer your calls. For Hackensack Campus call 201-301-9700; Lyndhurst Campus call 201-301-9600. In response to a call BCC Public Safety will take the required action, either dispatching an officer or asking the victim to report to BCC Public Safety. One may also file a report online through the college's website via the Public Safety Page. All reported crimes will be investigated by the College and may become a matter of public record. All BCC Public Safety incident reports are forwarded to the Dean of Student Life and Conduct for review and further action deemed necessary. If an incident report involves an employee, it also is forwarded to the Human Resources Department for review and further action deemed necessary. If assistance is required from the Bergen County Sheriff's Department, Paramus Fire Department, Hackensack Fire Department, Lyndhurst Fire Department, BCC Public Safety will contact tha appropriate unit. If a sexual assault or rape should occur, staff on the scene, including BCC Public Safety, will offer the victim a wide variety of services and resources.

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

Anonymous 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 Anonymous Tip Line (201- 689-7070) and leave a message. Anonymity will be protected.

Confidential Reporting

Crimes should be accurately and promptly reported to the BCC Public Safety or the Bergen County Sheriff's Department, even when the victim of a crime elects to, or is unable to, make such a report. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a BCC Public Safety officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the BCC can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

As a public institution, Bergen Community College does not encourage pastoral counseling. The college does encourage Perssonal counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for Inclusion in the annual statistical disclosure of crime statistics.

Report to a CSA (Campus Security Authority)

Members of the community are helpful when they immediately report crimes or emergencies to BCC Public Safety and/or to the designated CSA's for purposes of including them in the annual statistical disclosure and assessing them for issuing Timely Warning Notices, when deemed necessary. The current designated CSA's are the following: all Academic Counselors (does not include Licensed Personal Counselors), Academic Advisors, Club Advisors, Athletic Director, Coordinator of Athletics, all Athletic Coaches, Athletic Trainers, Dean of Student Life and Conduct, Coordinator of Student Development, Coordinator of Student Life and Conduct, Student Life Secretary, Student Leadership Commons Generalist, Student Life and Conduct Generalist, Information Desk Attendants (student staff), Student Life Office Assistants (student staff), and all Public Safety Officers. 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.

SECURITY OF AND ACCESS TO BERGEN COMMUNITY COLLEGE 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/credentials, and will be given an identification tag to display on their outermost garment. BCC Public Safety officers conduct routine patrols of campus buildings to evaluate and monitor security related matters. They patrol Paramus Campus 24 hours a day, 7 days a week including holidays and weekends. Hackensack and Lyndhurst Campus are patrolled during regular operating hours noted below. During non-operating hours BCC Public Safety officers periodically check those facilities as noted below. Bergen County Sheriff's Department patrols facilities as noted below. Added security measures of certain facilities include card access, bollards have been installed outside Student Center, and all 3 campuses are equipped with surveillance camera system (CCTV).

No BCC Campus has residential halls or residential facilities.

PARAMUS CAMPUS

At the BCC Paramus Campus academic buildings are open from 6 a.m. until 11 p.m., Monday through Saturday. Administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday. During regular business hours, BCC will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, BCC Public Safety will admit only those with prior approval given by a Public Safety Administrator or other appropriate College Administrator.

In the event of snow closings and/or other emergency closings, no facilities admittance will be given except

to necessary personnel (Public Safety, Custodial, Buildings & Grounds, Maintenance, HVAC) as needed. BCC Public Safety and Bergen County Sheriff's Department routinely patrol all campus facilities (interior & exterior) and parking lots, to monitor and maintain safety and security concerns. Members of the college community aid in security measures by reporting suspicious activity promptly to BCC Public Safety and/or Bergen County Sheriff's Department.

HACKENSACK CAMPUS (Ciarco Learning Center)

At the BCC Hackensack Campus the academic building is open from 7:30 a.m. until 11 p.m., Monday through Friday. Administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday. During regular business hours, BCC will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, BCC Public Safety will admit only those with prior approval given by a Public Safety Administrator or other appropriate College Administrator.
In the event of snow closings and/or other emergency closings, no facilities admittance will be given except to necessary personnel (Public Safety, Custodial, Buildings & Grounds, Maintenance, HVAC) as needed.

BCC Public Safety and Bergen County Sheriff's Department routinely patrol all campus facilities (interior & exterior) and parking lots, to monitor and maintain safety and security concerns. Members of the college community aid in security measures by reporting suspicious activity promptly to BCC Public Safety and/or Bergen County Sheriff's Department.

LYNDHURST MEADOWLANDS CAMPUS

At the BCC Lyndhurst Campus the academic building is open from 7 a.m. until 11 p.m., Monday through Friday; 8 a.m. until 4:30 p.m. Saturday; 8 a.m. until 4 p.m. on designated Sundays. Administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday. During regular business hours, BCC will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, BCC Public Safety will admit only those with prior approval given by a Public Safety Administrator or other appropriate College Administrator.
In the event of snow closings and/or other emergency closings, no facilities admittance will be given except to necessary personnel (Public Safety, Custodial, Buildings & Grounds, Maintenance, HVAC) as needed.

BCC Public Safety and Bergen County Sheriff's Department routinely patrol all campus facilities (interior & exterior) and parking lots, to monitor and maintain safety and security concerns. Members of the college community aid in security measures by reporting suspicious activity promptly to BCC Public Safety and/or Bergen County Sheriff's Department.

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, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson; arrests and persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; hate crimes, unfounded offenses as well as 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.

Manslaughter by Negligence: The killing of another person through gross negligence.

Sex Offense: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or Oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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: Any of the Primary 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."

Bergen Community College Crime Statistics

Paramus Campus

Bergen Community College Crime Statistics (Paramus Campus)									
Criminal Offense	2016 On Campus	2016 Public Property	2016 Non-campus	2017 On Campus	2017 Public Property	2017 Non-campus	2018 On Campus	2018 Public Property	2018 Non-campus
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	4	0	0	6	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	1	0	0	1	0	0
Aggravated Assault	2	0	0	1	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	1	0	0	0	0	0
Arson	0	0	0	0	0	0	1	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	1
Drug Law Arrests	1	0	0	0	0	0	3	0	0
Drug Law Violations Referred For Disciplinary Action	0	0	0	1	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	1	0	0
Illegal Weapons Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	0	0	0
Stalking	9	1	0	14	0	0	7	0	0

Hate Crimes

2016: One on-campus Intimidation incident characterized by National Origin.
There were no reported Hate Crimes for non-campus and public property geography categories.

2017: One on-campus Aggravated Assault characterized by Race.
One on-campus Simple Assault characterized by Ethnicity.
One on-campus Intimidation incident characterized by Sexual Orientation.

2018: One on-campus Intimidation incident characterized by Gender.
One on-campus Intimidation incident characterized by Ethnicity.
One on-campus Intimidation incident characterized by Gender Identity.
There were no Hate Crimes for non-campus and public property geography categories.

Hackensack Campus

Bergen Community College Crime Statistics (Hackensack Campus)									
Criminal Offense	2016 On Campus	2016 Public Property	2016 Non-campus	2017 On Campus	2017 Public Property	2017 Non-campus	2018 On Campus	2018 Public Property	2018 Non-campus
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0

Hate Crimes

There were no reported Hate Crimes for on-campus, non-campus, and public property geography categories for the years 2016, 2017 or 2018.

Lyndhurst/Meadowlands Campus

Bergen Community College Crime Statistics (Lyndhurst Meadowlands Campus)									
Criminal Offense	2016 On Campus	2016 Public Property	2016 Non-campus	2017 On Campus	2017 Public Property	2017 Non-campus	2018 On Campus	2018 Public Property	2018 Non-campus
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations Referred For Disciplinary Action	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Hate Crimes

There were no reported Hate Crimes for on-campus, non-campus, and public property geography categories for the years 2016, 2017, or 2018.

Unfounded Statistics: 2016 Paramus, Hackensack, Meadowlands Lyndurst: Zero unfounded crimes. 2017 Paramus, Hackensack, Meadowlands Lyndhurst: Zero unfounded crimes. 2018 Paramus, Hackensack, Meadowlands Lyndhurst: Zero unfounded crimes.

Emergency Response and Evacuation Procedures

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 each semester. 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.

Shelter-in-Place Procedures –What it Means to "Shelter-in-Place"

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic "Shelter-in-Place" Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel

are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, BCC Public Safety, Housing Staff members, other College employees, Local PD, or other authorities utilizing the College's emergency communications tools.

How to "Shelter–in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
   - An interior room;
   - Above ground level; and
   - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to BCC Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Timely Warning Reports (Clery Act)

In the event that a situation arises, within the BCC Clery Geography (On Campus, Public Property and Noncampus property), which is considered threatening or a potential threat to the College community, a campus wide TIMELY WARNING will be issued to heighten safety awareness. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger BCC community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Click here to enter text., or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Vice Presdient of Facilities Planning, Operations & Public Safety , or designee in his or her absence.

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. Timely Warning Notices are typically written and distributed by the Vice President of Facilities Planning, Operations & Public Safety, or designee.

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. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Emergency Response and Evacuation Procedures

BCC maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities

of particular units or positions.

College units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Immediate Notification
The Public Safety staff is responsible for confirming an emergency in conjunction with campus administrators, local first responders and/or the national weather center

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 without delay. 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). Face to face communication may also be used if necessary. .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 Vice President of Facilities Planning, Operations & Public Safety or designee will use some or all of the systems described below to communicate the threat to the BCC Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Bergen Community College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: BCC Public Safety, Bergen County Sheriff's Department, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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).
The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

Bergen Community College through the Executive Director of Public Relations, Community and Cultural Affairs or designee publishes emergency alerts, including weather closings and delays, via multiple platforms. They are:
- Social media (Facebook and Twitter);
- Bergen.edu; and
- Faculty, staff and student email.

In addition the Assistant Director of Public Safety or designee publishes emergency alerts through SendWordNow.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Bergen Community College homepage and/or social media.
If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations
BCC does not have officially recognized student organizations that own or control any facilities outside of the BCC core campus. Therefore, Bergen County Sheriff's Department is not used to monitor and record criminal activity since there are no noncampus locations of student organizations.

Alcohol and Drug Use Policy

Bergen's comprehensive Drug and Alcohol Abuse Prevention Policy is available here: *https://bergen.edu/wp-content/uploads/Comprehensive-DAAPP-1.17.2019.pdf.*

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, sale 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, sale or distribution of illicit drugs and alcohol will be enforced. Bergen County Sheriff's Department is primarily

responsible for the enforcement of state and Federal alcohol and drug laws. 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
Dean of Off-Campus Sites.....201-447-7206
Managing Director of Off-Campus Sites 201-689-7066
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

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Bergen Community College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as Defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Bergen Community College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary Action in cases of alleged dating violence, domestic violence, sexual assault, or stalking which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking:

"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 violence 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."

1. For the purposes of this definition –
   A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   B) Dating Violence does not include acts covered under the definition of domestic violence.

"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"
- For the purposes of this definition –
- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

"Sexual Assault" is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."

- Rape is defined as the penetration, no matter how slight, of the vagina or anua with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Bergen Community College prohibits the crimes of Domestic Violence, Dating Violence, Sexual Assault and Stalking as defined by the Clery Act.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence:

The state of New Jersey defines domestic violence as the actual or threatened physical, sexual, emotional, or economic abuse of an individual by someone with whom they have or have had an intimate relationship. There are 14 criminal offenses upon a person that are prohibited under the Prevention of Domestic Violence Act (PDVA) of 1991 which are:

- Homicide, Assault, Terroristic Threats, Kidnapping, Criminal Restraint, False Imprisonment, Sexual Assault, Criminal Sexual Contact, Lewdness, Criminal Mischief, Burglary, Criminal Trespass, Harassment and Stalking

Dating Violence:

The state of New Jersey defines dating violence as domestic violence committed by a person against a victim with whom that person has or has had a dating relationship.

Sexual Assault:

The state of New Jersey defines sexual assault as an actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.

Rape, Fondling, Incest:

The state of New Jersey classifies rape, fondling and incest under the sexual assault statute.

Statutory Rape:

The state of New Jersey defines as occurring when a person of a certain age engages in sexual intercourse with an individual whom is under the age of consent. In New Jersey statutory rape has two stipulations. Under the first stipulation, if an individual who is over the age of 18 acts in statutory rape in New Jersey and it is considered as aggravated sexual assault with an individual who is under the age of 13, the individual will spend 10 to 20 years in prison. Under the second stipulation, if an individual who is four years older than the victim performs in sexual activities with an individual between the ages of 13 and 16 they can receive 5 to 10 years in prison. The only condition in which an individual can engage in sexual activities with a minor is if they are legally wed.

Stalking:

The state of New Jersey defines stalking as "purposeful conduct directed at specific person that would cause a reasonable person to fear bodily injury or death to himself or family member and knowingly, recklessly, or negligently places person in reasonable fear of bodily injury or death to himself or family member." It is a pattern of malicious behavior (not just a one-time event) intended to cause fear or apprehension in another individual.

Consent:
According to New Jersey Law, age, physical impairment and mental impairment all contribute to a person's ability to give consent. A person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. An individual who is physically or mentally impaired, generally, cannot give consent to sexual activity.

Bergen Community College defines consent as knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to a specific sexual contact (such as kissing or fondling) cannot be presumed to be consent for another specific sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Individuals can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately.

This definition is used in the college's Title IX policy to address issues of discrimination, harassment, and sexual misconduct. This policy prohibits any form of sexual misconduct. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved. The definition of consent below will be used in the interpretation and application of this policy. The full context the college's Title IX policy can be found at https://bergen.edu/wp-content/uploads/HR-001-001-2018-Title-IX.pdf.

The College offered the following Sexual Assault Prevention and Awareness programs for all students.
Affirmative Consent workshops: 982 students attended 4 days of one hour workshops
Affirmative Consent education aims to make sure students know that each person engaging in sexual activity must have the affirmative, conscious, and voluntary consent of their partner. Lack of protest or silence does not mean consent. Nor does the existence of a prior relationship. Students learn that consent must be ongoing throughout sexual activity, and can be revoked at any time.

Clothesline Project in the Student Center

The Clothesline Project is a visual display dedicated to raising awareness about the reality of violence in our society. It is composed oft-shirts created by survivors of violence, or in honor of someone who has experienced violence.

Each t-shirt reflects the personal experience of its creator and may occasionally have some graphic material on them. This may include swear words, explicit violent or sexual descriptions of the attack, or other statements that reflect the emotions and reality the individual experienced. The campus community was invited to make their own individual t-shirts to support or used as a mechanism for self expression.

Domestic Violence Awareness

October is National Domestic Violence Awareness Month. 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.

POLICY PROHIBITING SEXUAL HARASSMENT

Policy Statement:

Bergen Community College (the "College") is steadfastly committed to cultivating and maintaining a working and learning environment that is free from discrimination and harassment based upon membership in enumerated protected classes and/or characteristics ("protected classes") as well as from retaliation based upon the exercise of rights pursuant to this policy. Sexual harassment in any form constitutes prohibited, unprofessional and unacceptable conduct, and is a violation of Title VII of the Civil Rights Acts of 1964 and 1990 as amended, Title IX of the Education Amendments of 1972, the New Jersey Law Against Discrimination, established case law and State policies. The College has a separate document outlining the Internal Complaint Procedures and Investigation Protocols. This policy applies to all areas of the College's operations and programs.

The College will enforce this policy and expects all employees and students to be diligent in preventing, detecting and reporting any incidents of discrimination. The College expects all members of the College community to avoid any acts or statements that may constitute discriminatory behavior and to ensure that his or her conduct complies with this policy. This policy supplements the College's policy prohibiting discrimination and harassment in furtherance of its unrelenting commitment to fostering an environment that is safe, secure, and free from sexual and gender-based discrimination and harassment, and other related misconduct.

The College acknowledges its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with alleged offenders, and diligently investigate reports of misconduct. In addressing these issues, all members of the College must come together to respect and care for one another in a manner consistent with our deeply held academic and community values. This policy sets forth how the College defines and addresses sexual and gender-based harassment and related complaints made against College employees, student employees and third parties doing business with the College.

The College will not tolerate, condone or allow sexual harassment of any of its students or employees, by any instructional, supervisory, managerial or administrative personnel, co- workers, other students, independent contractors, vendors or others with whom the College does business. The College will enforce this policy and expects all employees and students to be diligent in preventing, detecting and reporting any incidents of sexual harassment. The College expects each employee and student to avoid any acts or statements that may constitute sexual harassment and to ensure that his or her conduct complies with this policy. The College will take appropriate disciplinary action when an investigation reveals that an individual has engaged in any such prohibited conduct.

I. SCOPE OF APPLICATION

This policy shall apply to all areas of the College's operations and programs. This policy governs sexual harassment, assault, exploitation, gender-based harassment, and related misconduct allegedly committed by a current College employee (e.g., faculty, staff, and student employees) and/or third parties (e.g., interns, volunteers, vendors, contractors, and subcontractors) that either:

A. Occurs on College property, or in connection with any College program(s) or activity(ies).

B. Creates a hostile environment for College employees or students; or

C. Involves a complaint by a College employee or student arising out of the respondent's employment status with the College or third party's business or relationship with the College.

This policy applies whether conduct occurs on campus or off campus, if the continuing effects of the conduct have the potential to unreasonably interfere with or limit an individual's work, academic performance, personal security, or participation in any College activity.

The College's Executive Director of Human Resources or his/her designee shall serve as the College's central intake officer for all matters involving discrimination, harassment, sexual harassment, and sexual misconduct. The College may designate other College offices or employees to perform any roles or duties described in this Policy where necessary to effectuate the intent and purpose of this Policy.

II. DEFINITIONS OF PROHIBITED CONDUCT

The College prohibits the following conduct, as well as attempts to commit and/or aid or incite others to commit these acts. PLEASE NOTE THAT THESE DEFINITIONS ARE BEHAVIORAL DESCRIPTIONS, NOT LEGAL OR CRIMINAL DEFINITIONS.

A. **Sexual Harassment** includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:

i. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a College activity; or
ii. Submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting the individual's academic standing, employment status, or participation in a College activity; or
iii. Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a College activity.

Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or opposite sex.

A. Hostile Environment. A "hostile environment" exists when unwelcome conduct of a sexual or gender-based nature has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment or participation in a College activity. A person does not have to be the target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even if the harassment is not specifically directed at the observer or individual lodging the complaint. Alleged harassment will be evaluated according to the objective standard of a reasonable person. A single, isolated incident of sexual or gender- based harassment may, based on the facts and circumstances, create a hostile environment.
Hostile environment sexual harassment includes, but is not limited to:

- Generalized gender-based remarks and behavior;
- Inappropriate, unwanted, offensive physical or verbal sexual advances and comments;
- Solicitation of sexual activity or other sex-linked behavior by promise of reward;
- Coercion of sexual activity by threat of punishment; and
- Gross sexual imposition such as touching, fondling, grabbing or assault.

The above-referenced conduct committed by any instructional, supervisory, managerial or administrative personnel, co-workers, independent contractors, vendors or others with whom the College does business constitutes prohibited sexual harassment when a reasonable person of the same sex as the aggrieved individual would consider it sufficiently severe or pervasive to alter the conditions of employment or education or to create an intimidating, hostile or offensive working or educational environment.

It shall be the responsibility of each administrator, support staff, faculty member, student to:

- Ensure that the college environment is free from acts of sexual harassment by supervisors, employees, non-employees and students;
- Make all employees and students aware of the policy against sexual harassment and of the procedure for filing complaints when sexual harassment has potentially occurred; and/or
- Immediately report any incident alleging sexual harassment to the Executive Director of Human Resources;

B. Gender-based Harassment. Gender-based harassment refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender stereotyping. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's employment, education, or participation in a College activity, or create an unreasonably intimidating, hostile, demeaning or offensive work, academic, or living environment.

C. Sexual Intimidation. Sexual intimidation refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. Some examples of sexual intimidation are threatening to sexually assault another person or engaging in indecent exposure

D. Sexual Exploitation. Sexual exploitation refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:

- Observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
- Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
- Exposing one's genitals in non-consensual circumstances; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

E. Sexual Assault or Non-Consensual Sexual Contact. Sexual assault or non-consensual sexual contact refers to any one or more of the following acts:

- Touching or penetrating of an unwilling or non-consenting person's intimate parts (under or over a person's clothes);
- Forcing an unwilling person to touch another's intimate parts; or
- Touching or penetrating an unwilling person or non-consenting person with one's own intimate parts.

F. Retaliation. Retaliation refers to any act of intimidation against an individual who, in good faith, asserts their right to bring a complaint under this Policy, including individuals who file a third-party report, participate in an investigation, or protest the alleged conduct or retaliation. Retaliation can arise in various forms including, but not limited to, sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be liable for retaliation. Retaliation is considered a separate offense from the original complaint, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Executive Director of Human Resources or his/her designee.

III. CONSENSUAL RELATIONSHIPS

Consensual romantic and sexual relationships between supervisors and employees or between faculty and student are strongly discouraged. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Further, such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. A person involved in a consensual relationship cannot have a direct responsibility for evaluating the employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship.

A subordinate's "voluntary" participation in a sexual relationship with an individual in a position of power or authority does not alone demonstrate that the conduct was welcome. Accordingly, a supervisor's display of a romantic interest in a subordinate might constitute sexual harassment. Any individual who engages in a consensual romantic or sexual relationship with someone over whom he or she has supervisory or educational responsibility must inform his or her immediate supervisor of the consensual relationship, so that the College can take action to make changes that eliminate the conflict of interest and that impacted employees are recused from making decisions that have an impact, either directly or indirectly, on the individuals involved. In the case of a relationship between two employees in which the College determines it is unable to eliminate the conflict of interest, the employees will be provided with the opportunity to decide which of the two will resign their employment. Failure to give proper notice to the appropriate supervisor may result in the denial of legal representation and indemnification in the event that a lawsuit based on the relationship is filed. In addition, failure to give proper notice to the appropriate supervisor may result in disciplinary action.

IV. STUDENT-ON-STUDENT HARASSMENT

Unwelcome sexual conduct by another student, student-on-student harassment, that disrupts a student's ability to learn or conduct that creates a hostile learning environment will be handled through the College's policies that address Student Life and Conduct, including the rules and regulations found in the policies governing Student Life and Conduct, not the Complaint Process for resolving Sexual Harassment Complaints.

Student-on-student harassment is a violation of the College's Sexual Harassment Policy. A complaint alleging that a student has committed a sexual assault, sexual harassment, sexual exploitation, stalking, relationship violence, or other form of sexual misconduct, may also be submitted to the Title IX Deputy Coordinator, Office of Student Life and Conduct or the Title IX Deputy Coordinator of the Office of Human Resources.

V. REPORTING PROHIBITED CONDUCT

All members of the College community are encouraged to report all conduct prohibited by this policy immediately to the Executive Director of Human Resources or designee so that a thorough and prompt investigation can ensue. If administrators, managers, and/or supervisors receive reports of conduct prohibited by this policy, they are required to refer them immediately to the Executive Director of Human Resources o or his/her designee. Failure to do so may lead to disciplinary action. Administrators, managers, and/or supervisors should not investigate complaints they receive nor evaluate whether the complaint rises to the level of a College policy violation.

An individual does not have to be the direct target of conduct prohibited by this Policy in order to report it. The individual instead may show that other individuals were sexually harassed and that this harassment created a hostile or intimidating work or academic environment.

The College is committed to responding to reports and complaints of conduct prohibited by this policy promptly and fairly. Upon completion of the Complaint Process, the College will take appropriate corrective action consistent with the results of the investigation. Disciplinary action, up to and including termination, may be taken against an employee who violates this policy.

The College will maintain confidentiality as to complaints, and the investigation of those complaints, to the extent possible. Only those with a need to know will be informed of the identity of the parties to a complaint. Any manager, supervisor or other employee who violates confidentiality as to a complaint of discrimination and/or harassment will be subject to appropriate discipline. All questions or concerns regarding confidentiality should be directed to the Executive Director of Human Resources or his/her designee.

Knowingly making a material misstatement of fact may subject the complainant to discipline. Anyone who believes that he or she has been the subject of a false complaint may meet with the Executive Director of Human Resources or his/her designee to address the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

Policy Prohibiting Discrimination

Policy Statement:

Bergen Community College (the "College") is steadfastly committed to cultivating and maintaining a working and learning environment that is free from discrimination and harassment based upon membership in enumerated protected classes and/or characteristics ("protected classes") as well as from retaliation based upon the exercise of rights pursuant to this Policy. The College has a separate document outlining the Internal Complaint Proceduresand Investigation Protocols. This Policy applies to all areas of the College's operations and programs.

In accordance with State and Federal law, the College strictly prohibits discrimination and harassment based on membership in protected classes. These protected classifications include race, religion, color, national origin, ancestry, age, sex, sexual orientation, pregnancy, gender identity or expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, and any other category protected by law. Harassment is a form of discrimination and, therefore, harassment directed toward an individual or group, or experienced by an individual or group, based on membership in a protected class, also violates College policy.

The College will enforce this policy and expects all employees and students to be diligent in preventing, detecting and reporting any incidents of discrimination. The College expects all members of the College community to avoid any acts or statements that may constitute discriminatory behavior and to ensure that his or her conduct complies with this policy. The College will take appropriate action when an investigation confirms that an individual has engaged in any prohibited conduct.

I. SCOPE OF APPLICATION

This policy shall apply to all areas of the College's operations and programs, including the conduct of all College employees and student employees that arises out of their employment status, as well as the conduct of all interns, volunteers, vendors, contractors, subcontractors, and others who do business with the College.

This policy applies whether conduct occurs on campus or off campus, if the continuing effects of the conduct have the potential to unreasonably interfere with or limit an individual's work, academic performance, personal security, or participation in any College activity.

The College's Executive Director of Human Resources or his/her designee shall serve as the College's central intake officer for all matters involving discrimination, harassment, sexual harassment, and sexual misconduct. The College may designate other College offices or employees to perform any roles or duties described in this Policy where necessary to effectuate the intent and purpose of this Policy.

II. DEFINITIONS OF PROHIBITED CONDUCT

The College prohibits the following conduct, as well as attempts to commit and/or aid or incite others to commit these acts. PLEASE NOTE THAT THESE DEFINITIONS ARE BEHAVIORAL DESCRIPTIONS, NOT LEGAL OR CRIMINAL DEFINITIONS.

A. **Discrimination** is an intentional or unintentional act that adversely affects employment or educational opportunities on the basis of membership in one or more protected classes. The College provides equal employment opportunity to all its employees and applicants for employment irrespective of their race, religion, color, national origin, ancestry, age, sex, sexual orientation, pregnancy, gender identity and expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, and any other category protected by law. The College considers for selection in employment only those characteristics that are demonstrably related to job performance or requirements.

B. **Harassment** is conduct directed toward an individual or group based on membership in one or more protected classes. Such conduct must be sufficiently sever or pervasive to alter an individual's employment conditions, which, in turn, creates an unreasonably intimidating, offensive, or hostile environment for employment or participation in the College's activities.

An individual does not have to be the direct and immediate target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even though it is not specifically directed at the observer or the individual lodging the complaint. Conduct alleged to constitute harassment shall be evaluated according to the objective standard of a reasonable person. Examples of conduct that may constitute or support a finding of harassment in violation of this Policy include, but are not limited to, the following types of behavior.

1. Physical Conduct
   a. Unnecessary or unwanted physical contact
   b. Physical interference with work
   c. Stalking
   d. Deliberate destruction of property

2. Verbal Conduct
   a. Innuendo or other suggestive, offensive or derogatory comments or jokes about a protected class
   b. Extortion, overt threats, or intimidation
   c. Obscene or harassing messages

3. Non-Verbal Conduct
   a. Display of offensive material or objects
   b. Suggestive or insulting gestures or sounds

Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, relationship violence (including dating and domestic violence, and related misconduct committed are also acts of discrimination on the basis of sex and are governed by the College's policy prohibiting sexual harassment, sexual violence, relationship violence, stalking, and related misconduct by employees and third-parties.

III. REPORTING DISCRIMINATION AND HARASSMENT

Any member of the College community alleging discrimination and harassment on the basis of membership in any of the protected classes is encouraged to report an offending incident immediately to the Executive Director of Human Resources or his/her designee. If managers and supervisors receive reports of discrimination or harassment, they are required to refer them immediately to the Executive Director of Human Resources. An
individual does not have to be the direct target of the discrimination or harassment to report it.

The College is committed to responding to reports and complaints of discrimination and harassment promptly and fairly. Upon completion of the Complaint Process, the College will take appropriate corrective action consistent with the results of the investigation. Disciplinary action, up to and including termination, may be taken against an employee who violates this Policy.

The College will maintain confidentiality as to discrimination and harassment complaints, and the investigation of those complaints, to the extent possible. Only those with a need to know will be informed of the identity of the parties to a complaint. Any manager, supervisor or other employee who violates confidentiality as to a complaint of discrimination and/or harassment will be subject to appropriate discipline. All questions or concerns regarding confidentiality should be directed to the Executive Director of Human Resources or his/her designee.

Knowingly making a material misstatement of fact may subject the complainant to discipline. Anyone who believes that he or she has been the subject of a false complaint may meet with the Executive Director of Human Resources or his or her designee to address the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

IV. RETALIATION

The College prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint of discrimination and harassment as defined in this Policy, participate in a discrimination or harassment investigation, or protest the alleged discrimination, harassment, or retaliation. Retaliation constitutes an offense separate from the original complaint of discrimination, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Executive Director of Human Resources or their designee.

Internal Complaint Processes and Procedures

Policy Statement:

Bergen Community College (the "College") is steadfastly committed to cultivating and maintaining a working and learning environment that is free from discrimination and harassment based upon membership in enumerated protected classes and/or characteristics ("protected classes") as well as from retaliation based upon the exercise of rights pursuant to the College's policies. The following procedures accompany the College's policies on Discrimination and Sexual Harassment.

Although employees and students are encouraged to use this internal procedure, exhaustion of this procedure is not a prerequisite for filing complaints with appropriate federal or state agencies, or for employees, under collective bargaining agreements. Information on rights and responsibilities under these procedures and applicable laws may be obtained through the Office of Human Resources.

Procedures:

INTERNAL COMPLAINT PROCESS

Any member of the College community who believes that he or she has been subject to conduct that violates the College's anti-discrimination and harassment policies is encouraged to initiate a report with the Executive Director of Human Resources or his/her designee. Individuals with questions about how to report prohibited conduct should contact the Executive Director of Human Resources.

A complaint against a student arising out of his or her conduct as a student should be reported to the Office of Student Life and Conduct. A complaint alleging that a student has committed a sexual assault, sexual harassment, sexual exploitation, stalking, relationship violence, or other form of sexual misconduct, may also be submitted to the Title IX Deputy Coordinator, Office of Student Life and Conduct or the Title IX Deputy Coordinator of the Office of Human Resources.

College employees and/or students should attempt informal resolution of an alleged complaint. If this is not possible, a formal complaint of alleged discrimination may be filed. Complaints should be filed within thirty (30) calendar days after the incident(s) occurred to ensure that nothing hinders an investigation of a complaint or that the individual bringing the complaint is not subjected to continuing prohibited behavior.

Conduct that implicates the College's anti-discrimination and harassment policies may be handled in a variety of different ways, and therefore the College is prepared to help identify a number of options available to those who believe that they have been subjected to such conduct. An individual may contact the Executive Director of Human Resources to discuss options available to him or her. These options will depend on a number of factors, including the seriousness of the offense, the amount of evidence presented, the degree of confidentiality sought, and the outcome desired by the individual. The Executive Director of Human Resources, or his or her designee, will provide guidance and assistance to an individual interested in alternative options to a formal complaint and investigation process.

A complainant may also discuss any interim measures that he or she feels are necessary during the pendency of the College's resolution process. A complainant may select an informal or formal resolution process, as described below. The "informal resolution" focuses on stopping the discriminatory or harassing, or other behavior without a formal investigation. A formal resolution process ("formal resolution") involves an investigation. Depending on the circumstances, both informal and formal resolution processes may be utilized.

A complaint, whether initiated through the informal or formal resolution process, must be submitted promptly to the Executive Director of Human Resources within 30 c a l e n d a r days after the incident which gave rise to the complaint. The use of the informal resolution process shall not extend the time limit for initiating a formal complaint.

A. INFORMAL REVIEW AND RESOLUTION

The Executive Director of Human Resources, or his or her designee, will provide guidance to a complainant interested in informal resolution. There are various methods available to attempt informal resolution, and the method or methods chosen should be tailored to the particular circumstances. Methods may include, but are not limited to, coaching the complainant on how to directly address a situation; assisting the complainant and department with the resolution of a real or perceived problem, such as by mediating a resolution within the department or by aiding in the modification of a situation in which the offensive conduct occurred; and/or arranging a meeting with the alleged offender to discuss the requirements of the pertinent College Policy. The use of the informal resolution process is not a precondition for initiating the formal resolution process.

B. FORMAL REVIEW AND RESOLUTION

1. **Complaint Filing**

   The formal complaint process is initiated with the filing of a signed, written complaint to the Executive Director of Human Resources. Upon receipt and review of a complaint, the Director of Human Resources may request additional information from the complainant if it is unclear whether the complainant's allegations raise an issue of a violation of a College policy. If additional information is received and the Executive Director of Human Resources determines that the allegation does not present a clear violation of a College policy, the Director of Human Resources will accordingly advise the complainant, in writing, and close the complaint. The complainant may appeal the Executive Director of Human Resources' decision to close the matter to the College President or his or her designee within 10 working days.

   If the Executive Director of Human Resources requests additional information from a com plainant, and the complainant does not submit additional information, the Executive Director of Human Resources may cease the investigation and inform the complainant, in writing, that the case has been closed, and that he or she may resubmit the written complaint with the supplemental information if he or she wishes to proceed with a complaint at that time. The complaint must be resubmitted within 30 days of the alleged events and/or conduct which is the subject of the complaint.

Supervisory employees should immediately report all alleged violations of the College's anti-discrimination and harassment policies, whether reported to or observed directly by the supervisor, to the Executive Director of Human Resources or his/her designee.

If the Executive Director of Human Resources accepts the complaint as drafted, he or she will notify the complainant that the case has been assigned for investigation and simultaneously send a copy of the complaint to the respondent and the president, dean, or vice president of the respondent's department, as applicable. The Executive Director of Human Resources or his or her designee may investigate possible violations of College policies regardless of whether the specific policy is identified in the complaint. The Executive Director of Human Resources will advise the respondent which College policies are at issue.

2. Internal Investigations

The Executive Director of Human Resources and/or his or her designee shall conduct an impartial investigation into the alleged harassment or discrimination submitted by a complainant against any College employee. The investigation will be conducted as expeditiously as possible to conduct a full and fair investigation. Upon completion of the investigation, the investigator will report in writing to the Executive Director of Human Resources setting forth the steps taken in the investigation and the specific investigatory findings.

i. Within five (5) working days after a formal or informal complaint of discrimination and/or harassment has been filed, the individual alleged to have committed the alleged infraction, his/her immediate supervisor, and the area dean/vice president will be notified in writing that a complaint has been filed and the timeline for processing the complaint.

i. At each opportunity during the investigation, conciliation or an informal settlement that is satisfactory to the parties concerned will be explored.

ii. College employees and students are required to cooperate with the investigation of complaints and any recommendations or final directives issued as a result. Absent extraordinary circumstances, failure to respond to an investigation within forty-eight (48) hours may result in disciplinary action, up to and including termination.

The complainant and the respondent are permitted to have their respective legal counsel or union representative present for any meeting with investigators to discuss a pending complaint filed by or against them, as applicable. However, legal counsel and union representatives are not permitted to participate in the investigation process. They may sit in on meetings with the investigator but they are not permitted to comment and/or ask questions during those meetings. Each party is responsible for notifying the other party of the attendees prior to the meetings.

The only exception would occur in instances in which the complainant or the respondent requires the services of a translator in order to communicate effectively with the investigator. Support person availability shall not be sufficient grounds for postponing meetings with investigators.

3. Independent College Investigations

The College reserves the right to investigate allegations of conduct prohibited by any of its policies in appropriate circumstances, even in the absence of a formal written complaint filed by a complainant pursuant to the Complaint Process upon the recommendation of the College President. In such cases, the College will follow the Complaint Process set forth above.

4. Completion of the Investigation

The Executive Director of Human Resources or his or her designee will conduct initial intake of the complaint to obtain information regarding the complaint. A thorough and impartial investigation into the alleged harassment or discrimination will take place to include interviews with any witnesses identified by complainant and others who have relevant information.

Determinations concerning whether any interim corrective measures are necessary to prevent continued policy violation(s) shall be reviewed by the Executive Director of Human Resources or his/her designee. Absent extraordinary circumstances, the investigative report will be completed within sixty (60) days of receipt of complaint notice. The time for completion of an investigation may be extended for up to thirty (30) additional working days in cases involving exceptional circumstances. A written report will be prepared and shall include at a minimum:

- summary of the complaint;
- A summary of the parties' positions;
- A summary of facts developed during the investigation; and An analysis of the allegations and facts.

The investigatory report will be submitted to the Executive Director of Human Resources or his/her designee unless the representative has been actively involved as a witness in the investigation. In that case, the report shall be submitted directly to the Executive Executive Director of Human Resources or the President or his or her designee.

5. Fact-Findings and Conclusions

The Executive Director of Human Resources or his or her designee will review the investigatory report and make a determination as to whether the allegations of a violation of the College's policy prohibiting discrimination, harassment, and hostile environments have been substantiated.

Within ten (10) working days of receiving the investigatory report, the Director of Human Resources or his or her designee will issue a final letter of determination to all parties, containing the results of the investigation. The time for issuance of a final letter of determination may be extended for up to ten (10) additional working days in cases involving exceptional circumstances. All parties will be notified of the extension in writing by the investigator.

The final letter of determination shall include at a minimum:

- A brief summary of the parties' positions;
- A brief summary of the facts developed during the investigation; and

- An explanation of the determination, which shall include whether:
- The allegation was either substantiated or not substantiated; and
- Whether a violation of a College policy did or did not occur.

If the final determination concludes that the complaint was substantiated and a violation did occur, the alleged discriminator will be notified in writing separately regarding any disciplinary action to be taken.

C. RETALIATION

The College prohibits retaliation against individuals who, in good faith, assert their right to bring a complaint, participate in an investigation, or protest conduct prohibited by any College policy. Retaliation is an offense that is separate from the original complaint, and it will be considered independent from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Executive Director of Human Resources for investigation.

D. FALSE ALLEGATIONS

Knowingly making a material misstatement of fact may subject the complainant to discipline. Anyone who believes that he or she has been the subject of a false complaint may meet with the Executive Director of Human Resources or his or her designee to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

E. CONFIDENTIALITY

The Executive Director of Human Resources or his or her designee shall work to honor the confidentiality of all parties and limit disclosure of complaints to only those who have a need to know the facts and the parties to a complaint. Reporting and disclosure requirements required by law may present limitations to such confidentiality. Nonetheless, the College will treat all parties with equal care, respect, and dignity and will make every effort to preserve the privacy of all parties involved.

In some instances, a complainant may choose to take no action or to defer action until a later date in order to maintain anonymity. In these instances, the College expressly reserves the right to limit disclosure and to take appropriate action in order to ensure the safety and well-being of members of the College community. If a complainant refuses to cooperate with an investigation, or asks that his or her identity not be revealed to the respondent or witnesses, the Executive Director of Human Resources, or his or her designee in his or her discretion, will investigate to the extent possible based on the information provided, but his or her ability to respond may be limited.

The Executive Director of Human Resources shall work to ensure that all parties, witnesses, and support persons involved in an investigation respect the confidentiality of the investigation as well. Any manager, supervisor or other employee who violates confidentiality as to a complaint of an alleged violation of a College policy will be subject to appropriate disciplinary action. Please contact

the Executive Director of Human Resources with any questions regarding confidentiality.

F. RECORD KEEPING

The record of a complaint, informal resolution, or final decision shall be retained in a file in the Office of Human Resource. Disciplinary action will be documented in the appropriate individual personnel file.

G. FILING COMPLAINTS WITH FEDERAL OR STATE AGENCIES

Although employees and students are encouraged to use this internal procedure, exhaustion of this procedure is not a prerequisite for filing complaints with appropriate federal or State agencies, or for employees, under collective bargaining agreements.
Information on t h e rights and responsibilities of individuals under these procedures and applicable laws may be obtained through:
Bergen Community College
The Office of Human Resources Attention: Executive Director of Human Resources 400 Paramus Road, Room A-316 Paramus, NJ 07652
Telephone (201) 447-7442
Email: Human Resources

Bergen Community College Title IX Policy

Policy Statement:

Bergen Community College is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in a place free of discrimination on the basis of sex; which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Bergen Community College considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, sexual misconduct, and sexual violence, domestic violence, dating violence and stalking by employees, students, or third parties.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the College has developed policies and procedures that prohibit sex discrimination in all of its forms.

Bergen Community College does not discriminate on the basis of race, color, age, gender, gender identity, sexual orientation, sexual identity, religion, national origin, veteran status, disability, genetic information or any other basis of prohibited discrimination in its programs and activities. This policy extends to employment, programs, and admission to the College.

This policy applies to all faculty, staff, students, and visitors. It also governs student-on-student sexual discrimination, including sexual assault, both on and off-campus.

Persons who experience discrimination, harassment, or sexual misconduct may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. The College provides a variety of resources to assist individuals who have experienced discrimination, harassment, or sexual misconduct to address the effects of the incident and to help them determine whether and how to make a formal complaint about the incident.

All reports of discrimination, harassment, and/or retaliation shall be promptly made to the Title IX Officer (or one of the designated Deputy Coordinators). The Executive Executive Director of Human Resources serves as the Title IX Officer. S/He oversees implementation of the College's Policy on Discrimination, Harassment, and Sexual Misconduct. The designated Title IX Deputy Coordinators are the Dean of Student Life and Conduct, and the Human Resources Generalist. Reporting responsibilities are stated in Section III below for those individuals who become aware of incidents involving discrimination, harassment, or sexual misconduct. Additionally, a complainant's options for reporting are addressed more specifically in **Procedures Section A** below.

I Prohibited Conduct

A Discrimination

Bergen Community College adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. The College prohibits discrimination against any employee, applicant for employment, student, or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or any other protected category under applicable federal, state, or local law, including protections for those opposing discrimination or participating in any complaint process on campus or with other human rights agencies.

This policy covers discrimination in employment and in access to educational opportunities. Discrimination is defined as adverse treatment of an individual based on that individual's membership in one or more of the protected groups listed above. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College policy on discrimination.

A. Harassment

Bergen Community College prohibits harassment against any employee, student, visitor, or guest on the basis of any class protected by College policy or law as identified in Section I.A. above. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters. The sections below describe the specific forms of prohibited harassment under College policy.

1. Bias-Related Harassment

This policy prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the campus community, which unreasonably interferes with

an individual's work or academic environment. This environment may be created by verbal, written, graphic, threatening and/or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities. Merely offensive conduct and/or harassment of a generic nature not on the basis of membership in a protected class may not result in a violation of this policy but may be addressed through education and/or other resolution methods.

2. Sexual Harassment

This policy prohibits any form of sexual harassment. Sexual harassment is unwelcome sexual- or gender-based verbal, written, online, and/or physical conduct. Anyone experiencing sexual harassment in any College program is encouraged to report it online (), to Bergen's Title IX Coordinator or a Deputy Coordinator, or by methods identified in the Complaint Resolution Process in **Procedures Section A.** Sexual harassment creates a hostile environment and offenders may be disciplined when it is sufficiently severe, pervasive, persistent, or objectively offensive that it:

- has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the College's educational, social, and/or community programs, or
- is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Some examples of possible sexual harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student complies with the request.
- A student repeatedly sends sexually oriented jokes on an e-mail list the student created, even when asked to stop, causing one recipient to avoid the sender on campus and stop attending a class in which they are both registered.
- Two supervisors frequently rate several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.

Consensual Relationships. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship may also be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the Employee Code of Conduct. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are strongly discouraged. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship.

3. Sexual Misconduct

This policy prohibits any form of sexual misconduct. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved. The definition of consent below will be used in the interpretation and application of this policy:

Consent. Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to a specific sexual contact (such as kissing or fondling) cannot be presumed to be consent for another specific sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Individuals can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately.

A person cannot consent if he or she is incapacitated. Under this policy, a person is incapacitated if he or she is disabled or deprived of ability to act or reason for one's self, is unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Incapacitation is defined as 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, involuntary physical restraint, and/or from taking of an incapacitating substance. A person is incapacitated if the person is temporarily incapable of apprising or controlling the person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance; if a person is unable to communicate an unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited; or if the person has a bodily impairment or handicap that substantially limits the person's ability to resist or flee.

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the respondent to a claim of sexual misconduct was intoxicated and, therefore, did not realize the other person's incapacity.

The following are types of prohibited sexual misconduct under this policy:

a. Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a College activity; or

- Submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting the individual's academic standing, employment status, or participation in a College activity; or
- Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a College activity.

b. Non-Consensual Sexual Contact

Defined as any sexual penetration or intercourse (anal, oral, or vaginal) however slight with any object by a person upon another person that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

c. Non-Consensual Sexual Contact

Defined as any intentional sexual touching however slight with any object by a person upon another person that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner.

d. Sexual Exploitation

Defined as taking non-consensual or abusive sexual advantage of another; and the conduct does not fall within the definitions of sexual harassment, non-consensual sexual intercourse, or non-consensual sexual contact. Examples of sexual exploitation include, but are not limited to:

- sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed);
- taking photographs, video recording, or audio recording of another in a sexual act or in any other private activity without the consent of all persons involved in the activity;
- exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's consent);
- engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of the infection; and/or
- administering alcohol or drugs (such as "date rape" drugs) to another person without the person's knowledge or consent.

e. Relationship Violence

Defined as violence between those in an intimate relationship (this includes romantic, dating, or domestic relationships). Examples include, but are not limited to:

- physical assault between two people in a current or prior intimate relationship who do not live together (Dating Violence); and

- physical assault between two people in an intimate relationship who live together (Domestic Violence).

f. Stalking

- Defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or suffer substantial emotional distress. Examples include, but are not limited to: sending multiple unwanted text messages, phone calls, or electronic communications;
- following, watching, photographing, or otherwise tracking an individual without his or her permission; and
- sending unwelcome gifts, notes, or other items to another person.

B. Retaliation

The College seeks to create an environment where its students and employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their civil rights. Any act of retaliation will result in appropriate disciplinary action.

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging a violation of their civil rights, supporting a complainant, or for assisting in providing information relevant to a claim, is a serious violation of this policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or Deputy Coordinators.

C. Other Offenses

This policy prohibits other offenses of a discriminatory, harassing, and/or retaliatory nature not included in the previous sections as follows:

- Intimidation, defined under this policy as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class;
- Hazing, defined under this policy as acts likely to cause physical or psychological harm or social ostracism to any person within the College community when related to the admission, initiation, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class;
- Bullying, defined under this policy as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class; and
- Violation of any other College rule, when it is motivated by sex or gender or the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

II. Scope/Jurisdiction/Application

This policy applies to allegations of discrimination, harassment, and retaliation that take place on Bergen Community College property or at College-sponsored events, regardless of their location. This policy may also apply to allegations of discrimination, harassment, and retaliation that occur off-campus or to actions online when

the Title IX Coordinator or Deputy Coordinator determines that the off-campus or online conduct could have an on-campus impact or impact on the educational mission of the College. Such impact includes:

- Any action that constitutes a criminal offense as defined by federal, state, or local law;
- Any situation where it appears that the respondent may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

III. Reporting Responsibilities

All College employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation are required to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator.

Any student who is aware of, or who witnesses discrimination, harassment, sexual misconduct, or retaliation is encouraged to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator. All initial contacts will be treated with the maximum possible privacy: specific information on any complaint received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the College will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

Please note: This section addresses reporting obligations for members of the campus community who are made aware of potential violations of this policy. Methods for filing a complaint and the Complaint Resolution Process are detailed in **Procedures Section A.**

A. Title IX Officer and Deputy Coordinators

Title IX Coordinator

Gwendolyn Harewood, Executive Director of Human Resources
A-316, Pitkin Education Center
gharewood@bergen.edu
201.447.7442

In addition, the following people have been designated to handle inquiries regarding these policies:

Title IX Deputy Coordinator

Ralph Choonoo, Executive Assistant to Vice President of Student Affairs
L-123E Pitkin Education Center
rchoonoo@bergen.edu
201.447.7991

B. Role of the Title IX Officer and Deputy Coordinators

The Title IX Coordinator and Deputy Coordinators are charged with coordinating the College response to reports of misconduct under this policy. The Title IX Coordinator and Deputy Coordinators do not serve as advocates for either the complainant or the respondent. The Title IX Coordinator or Deputy Coordinators will explain to both parties the informal and formal processes outlined below and the provisions for confidentiality. Where appropriate, the Title IX Coordinator or Deputy Coordinators will provide to both parties information on options for obtaining advocacy, medical and counseling services, and making criminal reports, and will assist with providing information on other resources. The Title IX Coordinator and Deputy Coordinators will coordinate with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and rearrangement of academic and work assignments.

C. Responsible Employees

A "responsible employee" is a College employee who has the authority to address sexual misconduct, or who has the duty to report incidents of sexual misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim/survivor tells a responsible employee about an incident of sexual misconduct, the victim/survivor has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator and/or Deputy Coordinator all relevant details about the alleged sexual misconduct shared by the victim/survivor. The Title IX Coordinator and/or Deputy Coordinator will need to determine what happened – including thenames of the victim/survivor and alleged perpetrator(s) if known, any witnesses, and any other relevant facts, including the date, time and location.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement:

- Without the victim/survivor's consent.
- Unless the victim/survivor has also reported the incident to law enforcement.
- Unless otherwise required by the law.
- Clery Act requires certain information to be provided to campus public safety.

The following employees are the College's "responsible employees":

- Executive Team Members
- Administrative and Professional Staff Faculty
- Title IX Coordinator and Deputy Coordinators
- All Human Resources staff – excluding student assistants
- Academic Counselors and Academic Advisors (both Faculty and Staff)
- Athletics professional staff and coaches - – excluding student assistants

- All Student Life professional staff and Student Organization Advisors excluding interns and student assistants
- All Student Affairs professional staff – excluding interns and student assistants
- All Public Safety Staff – excluding interns and student assistants

Before a victim/survivor reveals any information to a "responsible employee," the employee should ensure that the victim/survivor understands the employee's reporting obligations – and, if the victim/survivor does not want to report the matter to the College for investigation, the responsible employee should direct the victim/survivor to confidential resources.

D. Police Reporting

In addition to required campus reporting, reports may also be made to the police and/or campus security, especially if a crime is or may be involved, by calling the following numbers:

a. Emergency - 911
b. Office of Public Safety
   i. Paramus Campus (24hrs): Dial "6" or 201.447.7200
   ii. Meadowlands Campus, Lyndhurst: 201.301.9600
   iii. Ciarco Learning Center, Hackensack: 201.301.9700
c. Bergen County Sherriff's Office (non-emergency number): 201.336.3500
   i. 10 Main Street, Hackensack, NJ 07601

D. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that College administrators must issue crime alerts for incidents reported to them that represent a serious or continuing threat to students or employees. The College will withhold a victim's name and other identifying information while providing enough information for community members to make safety decisions in light of the potential danger.

III. Statement of Rights for Complainants and Respondents

Both complainants and respondents will be afforded the following rights under this policy:

- To be treated with respect by College officials;
- To take advantage of campus support resources (such as Counseling Services and College Health Services for students, or EAP services for employees);
- To experience a safe educational and work environment;
- To have an advisor (students) or representative (employees) during this process;
- To refuse to have an allegation resolved through informal procedures;
- To be free from retaliation;
- To have complaints heard in substantial accordance with these procedures; and
- To participate in the process.

Please also refer to the **NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS (Appendix B)**

IV. Records

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely.

Procedures:

Complaint Resolution Process

The College will respond to any alleged violation of this policy received by the Title IX Coordinator and/or Deputy Coordinators. This section outlines ways in which offenses can be reported by individuals choosing to pursue complaint options.

A. Confidentiality and Reporting of Offenses

Bergen Community College will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the College's ability to respond may be limited in the event of a request for confidentiality. The College may need to investigate an incident and take action once an allegation is known, whether or not the reporting individual chooses to pursue a complaint.

When a report is made, personally identifiable information (name of victim, name of respondent, etc.) may be initially withheld in cases where the victim is hesitant to come forward. Subsequently, campus officials may need additional information. The College Title IX Coordinator or Deputy Coordinator will conduct an initial inquiry, looking for any sign of pattern, predation, violence, or threat. When such exists, institutional action may be required in an effort to ensure campus safety.

No employee should ever promise absolute confidentiality except those designated as confidential personal counselors, health service providers, victim services advocates, domestic violence resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality. Reports may be private, but not confidential. Reports to police and/or Title IX officials do not obligate the complainant to file any criminal or College conduct charges.

The College will not pursue disciplinary action for improper use of alcohol or other drugs against an alleged victim of sexual misconduct or against another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. See "Good Samaritan Provision," Appendix A.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

a. Complaints and reports should be made as soon as possible after an incident.

There is no time limit for filing a complaint with the College. However, complainants should report possible violations of this policy as soon as possible to maximize the College's ability torespond effectively. Failure to report promptly could result in the loss of relevant evidence and impair the College's ability to adequately respond to the allegations.

b. If the incident is an assault:

Report the incident:

- Emergency – 911 [Call 911 if you are not safe and in need of immediately medical attention.]
- Office of Public Safety
  - Paramus Campus (24hrs): 201.447.7200 or Dial 6 on Paramus campus
  - Meadowlands Campus, Lyndhurst: 201.301.9600
  - Ciarco Learning Center, Hackensack: 201.301.9700
- Bergen County Sherriff's Office (non-emergency number): 201.336.3500
  - 10 Main Street, Hackensack, NJ 07601

Seek immediate **medical attention**:

Do not change clothing, shower, bathe, brush teeth or douche. Delay the above and going to the bathroom (if possible) until you are examined as this preserves evidence of the assault. Medical attention should be accessed at a local hospital.

On-campus resources:

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.*

- HS-100, Pitkin Education Center, 201.447.9257

Off-campus resources:

Valley Hospital

- 223 N. Van Dien Avenue, Ridgewood, NJ, 07450, 201.447.8000

Hackensack University Medical Center

- 30 Prospect Avenue, Hackensack, NJ 07601, 551.996.2000

Seek **emotional support**.

Bergen Community College counselors for students and/or the **Employee Assistance Program (EAP)** for employees are available to help free of charge and can be seen on an emergency basis.

On-campus resources:

Center for Health, Wellness and Personal Counseling

- HS-100, Pitkin Education Center, 201.447.9257

Off-campus resources:

HealingSpace of YWCA 24-hour hotline – 201.487.2227

The **Sexual Assault Response Team (SART)** is a free, coordinated community response to assist a survivor in the aftermath of a recent sexual assault. SART offers a compassionate, survivor-centered approach while collecting evidence that can be vital to the investigation and prosecution of the crime.

SART is available 24 hours a day, 7 days a week. You can activate SART if:

- Sexual assault occurred within 5 days
- You are at least 13 years old
- You are safe and not in need of immediate medical attention*
- You want to activate one or more SART professionals
- ***Call 911 if you are not safe or need immediate medical attention.***

To activate SART:
Call the 24/7 hotline 201-487-2227 to speak with a Confidential Sexual Violence Advocate who will discuss all of your options with you.

- Note that you may choose to receive an exam with an advocate and nurse, and then choose to report with law enforcement at a later date.

Magellan **Employee Assistance Program** (employees):

Magellan is contracted by Bergen Community College to provide professional consultation to Bergen Community College employees and their eligible dependents in the areas of stress management, family issues, child/elder care, dependency and other matters. Contact www.magellanassist.com.

Options for filing a report include:
2. Anonymous and Third Party Reporting
The Title IX Coordinator and Deputy Coordinators accept anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Officer or Deputy Coordinators to investigate and respond as appropriate. The College maybe limited in its ability to investigate or respond to an anonymous or third party report unless sufficient information is provided. (See www.bergen.edu/report)

3. Confidential Reporting
If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors, health service providers, victim services advocates, domestic violence resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor). These sources may submit anonymous statistical information for timely warning and Clery Act purposes. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them.

Bergen Community College personal counselors for students and/or the Employee Assistance Program for employees are available to help free of charge and can be seen on an emergency basis.

4. Private Reporting
Reports to College employees who are not confidential resources should be treated with the maximum possible privacy. If a reporting party is unsure of a resource's ability to maintain privacy,

the reporting party is advised to ask them before talking to them. The resource will be able to explain the resource's reporting obligations and help a reporting party make decisions about who is in the best position to help. If personally identifiable information is shared, it will be shared with as few people as possible under the circumstances and efforts will be made to protect privacy to the greatest extent reasonably possible.

5. Formal Reporting

Complainants are encouraged to speak to College officials, such as the Title IX Coordinator or Deputy Coordinators or Public Safety, to make formal reports. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter and only a small group of officials who need to know will be told. Information will be shared as necessary with investigator(s), witnesses, the respondent, and a hearing board if deemed appropriate. The number of people with this knowledge will be kept as few as reasonably possible to preserve a complainant's rights and privacy.

6. Criminal Reporting

If someone is in immediate danger, call 9-1-1. Some acts of discrimination and harassment may also be crimes, such as sexual assault or stalking. Individuals are encouraged to report allegations of criminal conduct to law enforcement even when it is not clear whether theconduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting with victim advocate services and counseling support, initiating a criminal investigation as appropriate and answering questions about the criminal process.

B. Informal Resolution Process

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator will determine if an informal resolution is appropriate, based on the willingness of the parties and the nature of the alleged conduct. Sanctions are generally not pursued as the result of an informal resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached. The College reserves the right to cancel an informal resolution if sufficient evidence suggests a formal investigation or other sanctions or remedies may be necessary and appropriate.

It is not necessary to pursue an informal resolution first in order to make a formal complaint, and anyone participating in an informal resolution can stop that process at any time and request to continue through the formal process.

Except in cases involving criminal activity and/or sexual assault, an employee or student alleging discrimination, harassment and/or retaliation against an employee under this policy is encouraged to consider an informal resolution. If it is appropriate, an attempt to facilitate an informal resolution of the matter will be made. In the event that an informal resolution is not reached, is not appropriate, or is not pursued, the student or employee who is alleging the discrimination, harassment, or retaliation may initiate a formal investigation.

C. Formal Resolution Process

1. Filing a Complaint

Any individual who believes that this policy has been violated should contact the Title IX Coordinator or any Title IX Deputy Coordinator.

A. Complaint Intake

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will normally, within five college days, make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy. If it appears a violation may have occurred, an investigation will begin. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. An investigation will be pursued if there is sufficient information to suggest a policy violation, a pattern of misconduct, and/or a perceived threat of further harm to the community or any of its members exists.

B. Interim Action

The College will implement interim and/or protective actions upon notice of alleged discrimination, harassment, and/or retaliation and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has violated this policy.

Interim actions include but are not limited to: no contact orders, No Trespass/Persona Non Grata notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, on an interim basis, a student or student organization, or place an employee on administrative leave pending the completion of the investigation and procedures. In cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented. Violation of interim provisions will be grounds for disciplinary action.

During an interim suspension or administrative leave, a student or employee may be denied access to the College campus, facilities, or events, either entirely or with specific application. As determined by the appropriate administrative officer, this restriction includes classes and/or all other College activities or privileges for which the individual might otherwise be eligible. At the discretion of the appropriate administrative officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent student. At the discretion of the appropriate administrative officer, alternative employment/work options may be pursued to ensure as minimal an impact as possible on the respondent employee.

2. Notice of Charges

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved. If the respondent is an employee, the written notice will be copied to the employee's department head/director, dean, vice president, and president.

3. Investigation

If a complainant wishes to pursue a formal complaint or if the College determines an investigation is necessary, the Title IX Coordinator will assign an investigator, usually within five college days of deter- mining that a complaint should proceed. Investigations will be thorough and impartial and will entail interviews with relevant parties and witnesses, and obtaining available evidence. Conflict of interest (real or perceived) by the investigator will not be allowed. The College aims to complete investigations within 60 days, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. Investigation may take longer when initial complaints fail to provide direct first-hand information. The College may undertake a short delay (usually 3-10 days, to allow evidence collection) when criminal charges are being investigated. Complainants will be informed, at regular intervals, of the status of the investigation. College action will continue regardless of the status of civil or criminal charges involving the same incident. A complainant may proceed with both a criminal charge and a request for a College resolution simultaneously.

A. Student Withdrawal While Charges Pending

Should a responding student decide to withdraw from the College and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the College unless any and all sanctions have been satisfied. The Title IX Officer will continue to act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

B. Employee Resignation While Charges Pending

Should a responding employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will College responses to any future inquiries regarding employment references for that individual. Should an employee decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the employee's absence to a reasonable resolution and that employee will not be permitted to return to the College unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

4. Investigation Findings

A. For Students

Upon receipt of the investigative report, the Title IX Coordinator will forward it to the Dean of Student Life and Conduct or designee for an appropriate hearing per the Student Code of Conduct procedures. During a hearing:

- Both the complainant and the respondent will receive equivalent notice of the process.
- The complainant will have the opportunity to be present throughout the entire Hearing.
- The complainant will be entitled to the same opportunity to have others present during a Hearing as is provided to the respondent, including an adviser or college support person;
- Both the complainant and the respondent will have the opportunity to present witnesses with information pertinent to the alleged sexual harassment, sexual misconduct or sexual assault, and any relevant information to the Hearing panel during the conduct process;
- The complainant will be provided options for reasonable alternative arrangements if he or she does not want to be present in the same room as the respondent during the Hearing;

- Testimony regarding any party's past sexual conduct will ordinarily not be permitted, except in those instances where there was a prior sexual relationship between the parties and the testi mony may be relevant to the issue of consent. If the respondent is found responsible for the conduct alleged in the complaint, his or her past sexual misconduct, if any, may be considered in determining the appropriate outcome.
- The College will document the proceedings.

Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end. Regardless of the outcome, the complainant, the respondent, and the Title IX Officer will be notified of the finding in writing.

If, following a hearing, the student is found to have violated College policy, appropriate disciplinary sanctions will be determined after consultation with the Title IX Coordinator. The Dean of Student Life and Conduct (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean's decision. This written decision must be issued within fifteen college days of the date of receipt of the investigative report from the Title IX Coordinator.

B. For Employees

Investigations will be thorough and impartial and will entail interviews with relevant parties and witnesses, and obtaining available evidence. Both the complainant and the respondent will have the opportunity to present witnesses with information pertinent to the alleged sexual harassment, sexual misconduct or sexual assault, and any relevant information. The investigator will document the proceedings.

Upon receipt of the investigative report, the Title IX Coordinator will determine if this policy has been violated by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If the Title IX Coordinator decides that no policy violation has occurred, thenthe process will end. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. The respondent's department head/director, Dean, Vice President, Executive Director of Human Resources, and the President will also be notified of the finding.

In the event that the employee violated College policy, the Executive Director of Human Resources (or designee) will determine appropriate disciplinary sanctions based on the recommendation from the Title IX Officer. These recommendations will be submitted to the President for review and approval. If a Vice President and/or Executive Director of Human Resources serves as a party or witness in the investigation, the Title IX Coordinator's recommendation will be sent to the President for de- termination of disciplinary sanctions. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified in writing of the outcome within twenty college days of the date of the notice from the Title IX Coordinator.

5. Sanctions

Sanctions will be recommended by the Title IX Coordinator and forwarded to the decision-making authority. Factors considered when determining a sanction may include:

- The nature of, severity of, and circumstances surrounding the violation;
- The respondent's disciplinary history;
- Previously founded complaints or allegations against the respondent involving similar conduct;
- Any other information deemed relevant by the Title IX Coordinator;
- The need to bring an end to the discrimination, harassment, and/or retaliation;
- The need to prevent the future recurrence of discrimination, harassment, and/or retaliation; and/or
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community.

a. Student Sanctions

For examples of the range of potential disciplinary sanctions against students, see the section of the Student Code of Conduct entitled *Remedies and Sanction*.

b. Employee Sanctions

Sanctions for an employee who has violated this policy may include, but are not limited to, verbal or written warning, required counseling, training, demotion, reassignment, suspension, and termination.

6. Appeals

Appeals of the decision of the Dean of Student Life and Conduct and/or the Community Standards Review Board process (for students) or the Executive Director of Human Resources/President (for employees) may be filed by the complainant, the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within five college days of the date of the final written notice.

Appeals are limited to allegations of the following:

- A procedural error or omission that significantly impacted the outcome;
- There is new evidence, unknown or unavailable during the investigation, that could substantially impact the finding or sanction. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal; and/or
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a finding and sanction/responsive action(s) are final. When a party requests an appeal, the other party (parties) will be notified and given an opportunity to respond.

For students: In cases involving Student Life and Conduct, a person designated by the Vice President for Student Affairs will review the appeal request(s).

For employees: In cases involving employee conduct, a person designated by the President will review the appeal request(s).

Where the designee finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:

- The original decision will only be changed when there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.
- Sanctions will not be imposed pending the outcome of the appeal. Interim and/or protective actions may be imposed and/or continued as appropriate.
- The designee will render a decision within ten college days to the Title IX Coordinator who will normally provide written notice of the appeal to all parties within three college days from the date of the appeal review.
- All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted under this policy.

7. **Failure to Complete Sanctions**

All respondents are expected to comply with conduct sanctions within the time frame specified in their written notice. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulthsion, and/or termination from the College. For students, failure to comply may result in a hold to prevent future registration or other transactions with the College.

V. Remedial Actions

In addition to interim actions, the Title IX Coordinator or Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of harassment, discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity.

These remedies may include referral to counseling and health services or to the Employee Assistance Program (EAP), altering the academic schedule of a respondent student, (or the alleged complainant, if desired), altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

Appendix A

Good Samaritan

The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a victim of sexual misconduct to Public Safety or a medical provider). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Risk Reduction Tips

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

- Know your sexual intentions and limits. You have the right to say "NO" to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.
- Communicate your limits firmly and directly. If you say "No," say it like you mean it. Avoid giving mixed messages. Back up your words with a firm voice and clear body language. Do not assume that someone will automatically know how you feel or will eventually "get the message" without you having to say anything.
- Remember that some people think that drinking, dressing provocatively, or going to your or your date's room is saying you are willing to have sex. Be clear up front about your limits in such situations.
- Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity, don't hesitate to state your feelings and leave the situation.
- Attend large parties with friends you trust. Agree to "look out" for one another. Leave with the group, not alone. Avoid leaving with people that you don't know very well.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

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

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

Sexual Offense Prevention and Educational Programming

Because Bergen Community College recognizes sex discrimination in all its forms as important issues, the College offers annual educational programming to a variety of groups such as: staff, security, faculty, incoming students, continuing students, student-athletes, and, members of student organizations. Visit www.Notalone.gov for more information and resources on avoiding and preventing sexual assault.

Sexual Misconduct educational programming may address matters such as: a definition of what constitutes sex discrimination, the causes of sex discrimination, myths involved with sex discrimination, prevention, the relationship between sex discrimination and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the College sexual misconduct policy, how to make a report and file charges within the College, its conduct system, and/or with the local police department, men's issues and sexual assault, and campus community resources to assist both the survivor and the accused.

Federal Enforcer

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Individuals with complaints of this nature always have the right to file a formal complaint with the United States Department of Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline Number: 800.421.3481
FAX: 202.453.6012
TDD#: 877.521.2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

APPENDIX B
BERGEN COMMUNITY COLLEGE
NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

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 university 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 nonconsensual sexual contact, respect for the individual and human dignity are of paramount importance.

The state of New Jersey and Bergen Community College recognize that the impact of violence on victims and the surrounding community can be severe and long lasting. Thus, this Bill of Rights has been established to articulate requirements for policies, procedures, and services designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

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 of New Jersey, and
- where the victim or alleged perpetrator is a student at that institution and/or
- when the victim is a student involved in an off-campus sexual assault.

Human Dignity Rights:

- the crimes to be assured of any other right guaranteed under this policy
- to be free from any suggestion that victims must report
- to have any allegations of sexual assault treated seriously; the right to be treated with dignity personal publicity
- to be free from any suggestion that victims are responsible for the commission of crimes against them

- to be free from any pressure from campus personnel to:
  - report crimes if the victim does not wish to do so
  - refrain from reporting crimes to avoid unwanted publicity
  - report crimes as lesser offenses than the victim perceives them to be

Rights to Resources On- and Off-Campus:

- 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 reported to campus or civil authorities
- to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling
- 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
- 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.

Campus Judicial Rights:

- to be afforded the same access to legal assistance as the accused.
- to be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused.
- to be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

Legal Rights:

- 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
- to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- 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.

Campus Intervention Rights:

- to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
- to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

Statutory Mandates:

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required

and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document.
- Nothing in this act or in any "Campus Assault Victim's Bill of Rights" developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

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.

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

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 Life and 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.

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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 Life and 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 Life and 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 Life and 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 Life and 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 Life and Conduct and, by the adoption of this Code of Student Life and 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 Life and 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 Life and 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 Life and 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 Life and Conduct website. The completed form arrives electronically for the Office of Student Life and Conduct to review. Please note that if the form is not completed in its entirety, the Office of Student Life and 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 Life and Conduct process. This Code and the Student Life and 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 Life and Conduct immediately. Contact information is available by accessing the online staff directory and/or by visiting the Office of Student Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and Conduct be limited in its ability to fully investigate the complaint. Information regarding Maxient can be found on the Office of Student Life and 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 Life and Conduct.

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

- 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:
    - The Office of Student Life and 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 Life and Conduct.
    - The Office of Student Life and 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 Life and 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 Life and 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 Life and Conduct to schedule a Student Life and Conduct Conference.

D. Student Life and Conduct Conference – The Student Life and 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 Life and Conduct Conference") with the respondent.

B. At the Student Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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 Life and 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.