Victim's Rights
What You Need to Know

Bergen Community College prohibits all forms of discrimination based on sex that involves different treatment with respect to an individual's employment or participation in an education program or activity, based in whole or in part, upon the individual's actual or perceived sex. Such discrimination includes sexual harassment, sexual exploitation, sexual intimidation, and sexual violence. Victims of such discrimination have rights and options, including following procedures set forth by applicable law.

After an Incident

Preserve Evidence

The preservation of evidence is important, extremely time sensitive, and critical to proving that an alleged criminal offense occurred. Evidence strengthens the pursuit of potential criminal prosecution and to obtaining restraining/protective orders. Depending on the type and nature of the incident, the following actions to preserve evidence should be taken.

Sexual Assault

- Seek forensic medical assistance (i.e. forensic examination) at the nearest hospital, ideally within 120 hours of the incident (sooner is better). Completing a forensic examination does not require you to file a police report but helps preserve evidence if a police report is subsequently filed later;
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do;
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth;
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement); and
- Seek essential medical treatment for injuries, even if it is not for the purpose of collecting forensic evidence.

Stalking, Dating Violence, or Domestic Violence

- Avoid changing your phone number - evidence in the form of text and voice messages will be lost, in most cases, by doing so;
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server;
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook);

- Save copies of email and social media correspondence, including notifications related to account access alerts;
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., when possible;
- Save copies of any messages, including those showing any request for no further contact; and
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

Reporting an Incident

The College strongly encourages a victim to report the details of all incidents of sex discrimination on a timely basis to the Title IX Coordinator. The Title IX Coordinator and other members of the Title IX Team investigate and address all discrimination based on sex reported to them, or incidents that they are notified as having occurred. The Title IX Coordinator works in conjunction with the Department of Public Safety and law enforcement depending on the nature of the incident. The Title IX Coordinator will involve other authorities as appropriate, while taking into consideration a victim's requests and legal requirements.

Options for Reporting an Incident

Although an incident of discrimination based on sex should be reported to the College's Title IX Coordinator, the victim can also report the incident to:

- College Title IX Deputy Coordinators
- College Department of Public Safety;
- Office of Human Resources
- College Authorities;
- Office of Student Life and Conduct
- College Professional Counselors
- County Law Enforcement, including the Bergen County Sheriff's Office and the Bergen County Prosecutor's Office Sex Crimes Unit; and
- Social Service, Domestic Violence and Rape Crisis Centers.

Victims also have the right to decline from reporting an incident, though this option will prevent investigation of the incident and any possible consequences for the alleged perpetrator.

After reporting an incident, the victim has the option to file a formal report and/or complaint. Reporting an incident does not automatically trigger a formal complaint process.

Consider Filing a Report and/or Formal Complaint

Reports

A report provides notice to the College of an allegation or concern about an incident and requires the Title IX Coordinator to provide the victim with information, resources, and supportive measures, including the process of how to file a formal complaint. Victims may initially report an incident and may decide later to initiate a formal complaint.

Reporting carries no obligation to initiate a formal complaint, and in most situations, Bergen will accept a victim's request to not initiate an investigation and resolution process. However, there may be circumstances such as a pattern of behavior, allegations of severe misconduct, or a compelling threat to the health and/or safety of the College community, where the College may need to initiate such a process. If a victim does not wish to file a formal complaint, Bergen will maintain the privacy of information to the extent possible, as allowable by law.

Complaints

An oral or written complaint provides notice to the College that the victim would like to initiate an investigation or other appropriate resolution procedures.

There is no time limitation on providing a report or formal complaint to the Title IX Coordinator. However, if the perpetrator is no longer subject to Bergen's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

To file a report and/or formal complaint:

- Provide a verbal or written formal complaint notice to the Title IX Coordinator or Deputy Coordinator. Such notice may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator or Deputy Coordinator. Visit here for current contact information; OR
- Submit via Maxient report here. Anonymous notice is accepted, but the notice may trigger the College's responsibility to investigate and determine the parties' identities. Anonymous notice typically limits Bergen's ability to investigate, respond, and provide remedies/support, depending on the information shared.

After Filing a Report and/or Complaint

Bergen will take prompt and effective action of a victim's reported incident, which may include an investigation of the incident and a resolution proceedings process. The College considers a victim's safety and security and the entire College community to be one of its primary and most

important goals. The College, therefore, takes any alleged or actual incident with the utmost seriousness and sense of urgency.

If a victim chooses to initiate an oral or written complaint about the incident, the victim will be informed in writing by issuance of a Notice of Investigation and Allegations (NOIA) regarding the details of the College's investigation and resolution proceedings process that will take place. The NOIA is provided to the victim and the alleged perpetrator(s) of the incident, which summarizes the details of the alleged incident, the rights of the parties involved, and the College's procedures in addressing the incident including any required disciplinary action. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Begin Your Recovery (Supportive and Protective Measures)

The College offers and provides a range of appropriate and reasonable supportive and protective measures and accommodations to victims to support their recovery. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge, to restore or preserve access to a victim's education, or activity, and provide support during the College's resolution procedures or during the informal resolution process. These actions include protective measures designed to protect a victim's safety and/or educational environment and/or to deter sex discrimination, sex-based harassment, and/or retaliation. Such measures are focused and aim to identify and reduce risks and vulnerabilities to victims as well as the rest of the College community. Supportive and protective measures are provided regardless of where the incident occurred. Such measures are provided whether the incident occurred on or off any of the College's three campuses.

The College will maintain the confidentiality of the supportive and protective measures to the extent that such confidentiality does not impair the College's ability to provide them. The College will act to ensure as minimal an academic/occupational impact on a victim as possible. Such measures will be implemented in a way that does not unreasonably burden a victim and cannot be imposed for punitive or disciplinary reasons.

Such accommodations/measures are made available by the College to a victim, whether specifically requested or not, and if they are reasonably available and do not pose an undue hardship on the College.

Accommodations are provided independent of a victim's choice to report the crime and/or initiate a formal complaint. Supportive and protective measures are provided before and/or

after the filing of a formal complaint, when no formal complaint has been filed, and are provided during the resolution/disciplinary process. The Title IX Coordinator can outline the range of supportive and protective measures, accommodations, or assistance offered.

Rights

A Victim has the Right to:

- A fair and impartial grievance process;
- An equitable, prompt and effective investigation and resolution;
- Access to an advisor of the victim's choice throughout the process;
- Receive updates on the status of the investigation;
- Review and respond to evidence directly related to the allegations;
- Timely written notice provided of all scheduled meeting/proceeding dates, delays, or dismissals;
- Have all personally identifiable information (known as "PII") protected from the College's release of information to the public without consent, except to the extent permitted by law;
- Supportive and protective measures that are maintained for as long as necessary, ensuring that they remain confidential
- Have all external court orders of protection observed on campus upon the College being informed;
- Issuance of a College-implemented no-contact order or no-trespass order if required/where applicable;
- Identify and have all relevant and available witnesses questioned;
- Meetings, hearings, and interviews closed to the public;
- The standard of proof that will be used by the College and its meaning;
- An informal resolution process that may be used if applicable and as determined/approved by the Title IX Coordinator, and without pressure to agree to an informal resolution;
- Receive a final investigation report; and
- The opportunity to appeal the decision and the appeal process.

Rights of Victims and the College's Responsibilities for Orders of Protection

The State of New Jersey protects domestic violence victims and certain other crime victims with protective orders, commonly known as restraining orders or no-contact orders. New Jersey law permits such protective orders as part of the 1982 law known as the Prevention of Domestic Violence Act (N.J. Stat. §§ 2C:25-17 - 25-35). A restraining or no-contact order is a court-ordered document that can prohibit a person from contacting or coming within a certain distance of someone else for a set period. The College complies with all court-issued protective orders and

considers and honors requests for College-issued protective orders. Visit here for more information on the protective measure/restraining order process and here for the four most common types of protective orders.

If a Victim Has an Active Court Order of Protection
If an external court order of protection is obtained, please notify the College's Office of Public Safety, the Bergen County Sheriff's Office or the College's Title IX Coordinator to ensure enforcement of the order on campus.

If a Victim Needs Assistance Obtaining an Order of Protection
Contact the College's Office of Public Safety, the Office of Human Resources and Organizational Development, or the Dean of Student Life and Conduct.

The Dean of Student Life and Conduct can assist in providing advocacy for students who wish to obtain protective or restraining orders from local authorities. The College can offer reasonable academic and work accommodations, transportation accommodations, escorts, no contact orders, access to counseling services, and other supportive services and resources as necessary.

Rights of Confidentiality/Privacy of Parties Involved
The College is committed to responding to sexual misconduct and is required by federal law to investigate all allegations and take any remedial action deemed necessary to preserve a victim's safety and that of the College community, regardless of the filing of a formal complaint. When the College learns of a report or allegation of sexual harassment/sexual assault, the College will maintain the confidentiality of the matter and of all individuals involved to the extent permitted by law. The College will balance the needs of the individuals involved (victim, perpetrator, witnesses) with its obligation to fully investigate allegations and to protect the safety and well-being of the College community at large. In all cases, the College will respect the dignity and rights of all individuals.

Such confidentiality pertains to PII about the parties involved, and any accommodations provided, which includes protective or supportive services. PII is only shared with specified individuals investigating the incident, individuals providing services to the parties involved, or to law enforcement agencies as required by law or court decree. Confidentiality extends to all publicly available record-keeping and reporting required by the Clery Act as well as other record-keeping and reporting requirements of other federal and state regulations and laws. The College does not publish names of victims and other parties involved in an incident, including their PII, involved in a sex crime/incident.