



2024 ANNUAL SECURITY REPORT

Information for the 2024-2025 Academic Year
Containing Crime Statistics for Calendar Years 2023, 2022 and 2021



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Message from the Associate Vice President of Safety and Security

Thank you for your interest in this year's Annual Security Report (ASR). Each year, Bergen Community College (BCC, the College) updates and distributes the ASR to provide the College community with BCC's current safety and security policies and procedures and crime statistics.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, also known as the Clery Act, requires colleges and universities that receive federal funding to publish an ASR by October 1st each year. The ASR is a public document that must be distributed to students and employees of the College and made available to prospective students and employees. The ASR includes information about campus safety and security, such as:

- Crime statistics: For the previous three calendar years.
- Safety efforts: Details about what the College has done to improve safety.
- Policy statements: Regarding crime reporting, campus access and security, law enforcement, alcohol and drug use, and the prevention and response to domestic violence, dating violence, sexual assault, and stalking.
- Other security-related topics: Emergency procedures including Timely Warnings and Emergency Notifications, crime prevention, disciplinary procedures, and fire safety procedures.

The information contained herein establishes transparency relating to Public Safety data for all three (3) BCC campuses in Paramus, Hackensack, and Lyndhurst, New Jersey. The crime statistics, policies and procedures, and other information contained in this report are provided to establish awareness and trust, and to be compliant with the Clery Act.

The men and women of the Public Safety Department work 24 hours a day, 7 days a week, 365 days per year to ensure a layer of protection for our students, faculty, staff, and visitors. We continuously seek to strengthen our partnerships with local police agencies, fire departments, emergency services teams, and the various College departments to offer a comprehensive umbrella of security. We believe this multidisciplinary, integrative approach remains the most efficient model to maintain safety and security at the highest levels. The information contained in this report will provide assurance that BCC consistently maintains a safe and secure environment that is conducive to learning, working, and advancing opportunities for our entire College Community.

David Borzotta
Associate Vice President
Public Safety and Security
Department Bergen Community
College

Public Safety Department Mission Statement

The Mission of the Bergen Community College Public Safety Department (the Department) is to provide a safe and secure environment for all members of the College community.

The Department achieves its mission in many ways which includes providing unbiased and fair enforcement of the rules and regulations prescribed by the College's Student and Employee Codes of Conduct, responding to calls for non-enforcement services, proactive and reactive patrol of the campus properties, and serving the public for any causes of concern.

The success of this Mission depends upon an effective working relationship between Public Safety personnel and the College Community as a whole, with mutual respect and effective communication critical to this relationship. Therefore, as Public Safety Officers, we have made a commitment to be empathetic to all individuals and concerns of the College, and we have established as our top priority the protection of both life and property. In return, we ask that our partners in the College community assume their individual and collective responsibilities to make Bergen Community College a place that fosters and prioritizes civility, dignity, and a culture of learning, inquiry, and growth in a safe and secure environment.

The authority by which the Department operates and is entrusted with, and the resources it is provided are an affirmation of the College's expectation and commitment to a safe and secure learning and work environment. All members of the College community must therefore recognize their responsibility and the role they also play in contributing to such an environment.

All policy statements found in this Annual Security Report apply to all Bergen Community College locations, which includes the Paramus Campus and locations in Hackensack and Lyndhurst, unless detailed otherwise.

Campus Locations

The College maintains three physical locations¹ comprised of a main campus and two additional locations, as follows:

Bergen Community College Main Campus (Paramus)

The Bergen Community College main campus is located at 400 Paramus Road, Paramus, NJ 07652. Located in a scenic suburban setting, the Paramus Campus consists of 167 acres of grounds, athletic fields, and buildings with 874,000 square feet of classrooms, labs, and administrative offices.

On-campus buildings include any building or property owned or controlled by the College within the same reasonable contiguous geographic area and used by the College in direct support of, or in a manner related to, the College's education purpose. Included as part of the Bergen Community College Main Campus are the Pitkin Education Center, Moses Technology Building, Health Professions Building, West Hall, Ender Hall, Skoskie Hall, Veterinary Building, and Evergreen Hall.

Bergen Community College – Hackensack Campus (Ciarco Learning Center)

The Bergen Community College – Hackensack Campus is a single, 84,000 square-foot, stand-alone facility providing both offices and classrooms. It is located at 355 Main Street, Hackensack, NJ 07601.

Bergen Community College – Lyndhurst Meadowlands Campus

The Bergen Community College – Lyndhurst Meadowlands Campus is a single 125,000 square-foot, stand-alone facility providing both offices and classrooms. It is located at 1080 Wall Street West, Lyndhurst, NJ 07071.

¹ For the purpose of Clery Act requirements, as outlined by U.S. Department of Education's Handbook for Campus Safety and Security Reporting, "an additional location is a separate campus if it meets the following criteria:

- The institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an organized program of study; and
- There is at least one person on site acting in an administrative capacity. An organized program of study means that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential. Administrative personnel encompass a variety of individuals who may have some responsibility for the activities that take place at the location; administrative personnel include, for example, a director, a building coordinator, a registrar or a secretary."

Clery Act Background and Requirements

In 1990 Congress enacted the Crime Awareness and Campus Security Act which amended the Higher Education Act of 1965, which requires all postsecondary institutions participating in Title IV financial aid funding to disclose campus crime statistics and security information and policies. In 1998 the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (Clery Act) in memory of a student who was slain in her Lehigh University dorm room in 1986. The Violence Against Women Act (VAWA) first passed by Congress in 1994 is a federal law focused on improving the criminal justice response to violence against women and increase the availability of services for victims and survivors of such violence. VAWA protects victims and survivors of domestic violence, dating violence, sexual assault, and stalking (aka VAWA crimes). VAWA has been reauthorized several times since 1994, which has made the law stronger and more inclusive with each reauthorization.

In March 2013 VAWA was reauthorized and signed into law that included amendments to the Clery Act which requires institutions to disclose statistics, policies, and programs related to dating violence, domestic violence, sexual assault, and stalking. VAWA was most recently reauthorized in March 2022. All private and public institutions of postsecondary education participating in federal student aid programs are subject to the requirements of the Clery Act. Violators can be levied a civil fine 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. The Public Safety Department prepares this report and crime statistics in cooperation with various College departments, the Bergen County Sheriff's Office, and the local law enforcement agencies of Bergen Community College's three campus locations.

Throughout this document there is reference to sexual violence crimes, sex-based crimes, or VAWA crimes which are referring to domestic violence, dating violence, sexual assault, and stalking. Sexual assault is a broad category which is comprised of rape, fondling, incest, and statutory rape. These terms are defined later in this document.

Preparation and Distribution of the Annual Security Report

Bergen Community College prepares this report to comply with the Clery Act. The College has a Clery Committee comprised of representatives from key departments which include the Public Safety Department, Bergen County Sheriff's Office, Human Resources Department, Student Conduct and Development, Student Affairs/Services, and Office of College Compliance. The committee meets during the year and is responsible for the following:

- Participate and contribute to the preparation of the ASR for their respective areas of responsibility.
- Review of College safety and security policies, procedures, and protocols, and compliance with the Clery Act. This includes the identification of any issues/gaps and corrective measures.
- Establishment of new and update of existing safety and security policies and procedures.
- Address new federal, state, or county safety and security rules and regulations and new Clery Act requirements.
- Identify and assess safety and security training for Public Safety Department personnel and awareness training for students, faculty, and staff.
- Provide guidance to Campus Security Authorities (discussed later in this document).
- Assess how Clery crime incidents are handled (post assessment).

The ASR is produced and distributed each year on or before October 1 by the Associate Vice President of Public Safety and Security. The Associate Vice President of Safety and Security, and the Director of College Compliance assembles all content for the ASR with the help of members of the Clery Committee, other College officials and departments, and law enforcement agencies. The ASR is compiled based upon:

- Information collected by and solicited from local law enforcement agencies, including the Bergen County Sheriff's Office; Bergen County Prosecutor's Office; and the Paramus, Hackensack, and Lyndhurst Police Departments.
- Information provided and maintained by the Office of Public Safety.
- Information gathered from Campus Security Authorities (CSAs), and
- Institutional policies and procedures of the College which are approved by the applicable department Vice Presidents, legal counsel, College President, and/or the College Board of Trustees.

Each year, an email notification is sent to all students and employees providing the web link to the ASR. The report is also made available in both printable and downloadable form via the College's public website. Members of the public may obtain paper copies by request through the Public Safety Department at all College locations. Additionally, as required by law, crime statistics are disclosed on the college's website at <https://bergen.edu/>. Crime statistics on a national basis are published by the Federal Government at <https://ope.ed.gov/campussafety/#/>.

The ASR is available to prospective students via a web link through both the Office of Admissions' webpage and through the College's online application for admissions. Prospective employees are also provided with the ASR via a web link on the Human Resource Department's webpage, and as part of the College's standard employee application form(s).

How the Annual Disclosure of Crime Statistics is Compiled

Crime statistics for the Annual Security Report are compiled from several sources including Campus Security Authorities (CSAs) across all BCC locations, incidents reported in the Daily Crime Log for all campus locations, the Associate Vice President of Public Safety and Security, other Public Safety Department personnel, and from all law enforcement agencies that have or share law enforcement jurisdiction for all three College campus locations. These agencies include the Bergen County Sheriff's Office, Paramus Police Department, Hackensack Police Department, Lyndhurst Police Department, and the Bergen County Prosecutor's Office. All these sources have first-hand knowledge of or have been informed of alleged or actual crime incidents. The Public Safety Department conducts a Clery Crosscheck query through the Colleges' Maxient Incident Reporting System. This is done to ensure that the College's internally reported crime data in Maxient is consistent and matches the external reporting received from the various law enforcement agencies and departments. Any discrepancies identified are addressed and resolved. Additionally, the Coordinator of Student Conduct and Development provides the Public Safety Department with disciplinary statistics for the ASR, concerning alcohol, drug, and weapons incidents or violations. CSAs and the Daily Crime Log are discussed later in this document.

The Title IX Coordinator, Counseling Center, and the Violence Intervention Prevention (VIP) Center provide statistics regarding reported incidents of dating violence, domestic violence, sexual assault, and stalking incidents alleged to have occurred within Clery Geography at any Bergen Community College location. These offices provide educational programming to comply with federal law and regulations. Additionally, the Office

of Student Life and Conduct, and Office of Wellness promote safety and security awareness, and provide educational programs to students and staff members, as discussed later in this document.

The Associate Vice President of Safety and Security and the Director of College Compliance regularly meet to review, assess, and verify the accuracy of the written report to comply with the Clery Act. All completed incident reports are scrutinized by the Coordinator of Student Conduct and Development and the Associate Vice President of Safety and Security to ensure that crimes and crime statistics required by the Clery Act are properly reported. A representative of the Bergen County Sheriff's Office meets with appropriate Public Safety Department officials to ensure that all crimes are accurately identified and reported. This is also done with the other external law enforcement agencies.

All three BCC locations (Paramus, Hackensack, and Lyndhurst) do not have residential halls, campus housing, or residential facilities. Therefore, fire safety information, reports, and statistics as well as missing student notification information and policy statements are not applicable to BCC.

Numbers to Call for Assistance or to Report an Incident/Crime

Bergen Community College Numbers:

Bergen County Sheriff's (Room #A-114).....	201-689-7607
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
Anonymous Tip Line.....	201-689-7070
Associate Vice President of Safety and Security.....	201-879-8921
Associate Director of Public Safety	201-879-7862
Vice President of Student Affairs	201-879-1161
Assistant Vice President of Student Affairs	201-447-7456
Personal Counseling	201-447-9257
Health Services	201-447-9257
Wellness Center	201-612-5365
Be Well Bergen.....	201-447-7478
Student Life Conduct & Development.....	201-447-7215
Human Resources.....	201-447-7442
Public Safety In-House Phone.....	Dial "6"
Nurse's Office In-House Phone.....	Dial "2"

Outside Numbers:

Police or Fire (Emergency only & from college phone).....	911
Bergen County Sheriff's Department	201-336-3500
Bergen County Prosecutor's Office	201-226-5500
Bergen County Victim Witness Advocacy Unit	201-646-2057
Bergen County Rape Crisis Center Hotline (24 Hr.).....	201-487-2227
National Sexual Assault Hotline.....	800-656-4673
Alternatives to Domestic Violence	201-336-7575
Survivors of Incest Anonymous	877-742-9761
Bergen Family Center	201-342-9200

Never Alone Again (Domestic Violence).....	201-397-8939
Addiction Recovery Program	201-336-3330
Alcohol and Drug Dependency Program	201-634-2740
Bergen County Health Services.....	201-634-2600
Paramus Police Department	201-262-3400
Hackensack Police Department	201-646-7777
Lyndhurst Police Department.....	201-939-2900
Bergen New Bridge Medical Center (Paramus)	201-967-4000
Valley Hospital (Paramus).....	201-447-8000
Hackensack University Medical Center	551-996-2000

College & External Websites for Assistance:

Bergen Home Page.....	https://bergen.edu/
Paramus Campus.....	https://bergen.edu/about-us/locations/paramus/
Bergen at the Meadowlands	https://bergen.edu/about-us/locations/bergen-at-the-meadowlands/
Ciarco Learning Ctr (Hackensack).....	https://bergen.edu/about-us/locations/the-philip-ciarco-jr-learning-center/
Behavioral Intervention Team.....	https://bergen.edu/faculty-staff/behavioral-intervention-team/
Be Well Bergen.....	https://bergen.edu/faculty-staff/be-well-bergen/
Public Safety	https://bergen.edu/about-us/public-safety/
Report an Incident.....	https://cm.maxient.com/reportingform.php?BergenCC&layout_id=1
Emergency Notification System.....	https://bergen.edu/currentstudents/student-consumer-information/emergency-notification-system/
Facilities.....	https://bergen.edu/faculty-staff/buildings-and-grounds-department/
Human Resources.....	https://bergen.edu/faculty-staff/human-resources/
Health, Wellness & Personal Counseling.....	https://bergen.edu/health-wellness-and-personal-counseling/
Title IX Information & Coordinator.....	https://bergen.edu/about-us/title-ix/

College Policies:

Codes of Conduct:

Employee	https://bergen.edu/wp-content/uploads/Code-of-Conduct1723.pdf
Student.....	https://bergen.edu/wp-content/uploads/StudentCodeofConduct2016_EngVer12062016.pdf
Title IX Policy.....	https://bergen.edu/wp-content/uploads/HR-001-004-2023-Title-IX-policy-and-Procedures.pdf
Sexual Harassment Policy.....	https://bergen.edu/wp-content/uploads/HR-003-001.2018-Policy-Prohibiting-Sexual-Harassment.pdf
Discrimination Policy.....	https://bergen.edu/wp-content/uploads/HR-004-001.2018-Policy-Prohibiting-Discrimination.pdf
Weapons Policy	https://bergen.edu/wp-content/uploads/Weapons-on-Campus-Policy.pdf

How to Report a Crime Incident, Emergency, or College Policy Violation

The safety, security, and conduct policies of Bergen Community College, which are enforced by the Public Safety Department, are made known to students, faculty, and staff through various College publications and sources, including the Emergency Handbook and the BCC website. These policies include the Student and Employee Codes of Conduct, Drug and Alcohol Abuse Prevention Program, Title IX policy, and other policies on discrimination and harassment. Please note the following:

1. Report a crime, emergency, or violation incident at the three BCC locations as follows:
 - 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 of the Pitkin Education Center.
 - 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.
 - 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 the ground floor Room 135.Victims or witnesses can also report a crime, emergency, or violation incident by calling 911 or the local police department.
2. When reporting an incident, provide a clear description and details of the incident, who was involved, where it took place, when it took place, and if you know how or why the incident occurred. Be as specific as possible and give your own name and those of other witnesses. This will ensure that a more informed and proper investigation is performed.
3. To report an incident by way of documentation, the College encourages the use of the Maxient System as a way for the entire College Community to report any violation or cause for concern. This report will be sent to the Public Safety Department, the Student Affairs Department, the Student Conduct Department, the Title IX Coordinator, and/or the College Nurse.
4. BCC has partnered with the Bergen County Prosecutor's Office by offering the Live Safe/BergenSafe App. Once downloaded onto a smartphone, this software offers emergency response, a silent panic alarm, a means to report suspicious activity, and a virtual SafeWalk escort to your vehicle or class. This information is advertised on the campus televisions and brochures at the Public Safety desk at the Paramus campus.
5. 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 an act is committed by an individual that is deemed to be immediately threatening and/or dangerous, certain designated College administrators, including members of the Public Safety Department and On-Call Administrators can immediately affect an interim suspension of the individual from the College. When violations of the law occur, the College alerts the Bergen County Sheriff's Office, whose members can affect an arrest. Criminal court charges may be incurred in addition to campus judicial system proceedings. Students are strongly urged to report crime incidents and violations of BCC policy, so that the College community is protected to the maximum extent possible.

Response to a Report

Public Safety Officers are available 24 hours a day, 7 days a week, 365 days a year at the Paramus Campus to answer your calls, who can be contacted at 201-447-9200. At the Hackensack and Lyndhurst campuses Public Safety Officers are available from 7:00 am-11:00 pm, Monday-Friday to answer your calls. For the Hackensack Campus call 201-301-9700 and for the Lyndhurst Campus call 201-301-1267.

In response to a call, BCC Public Safety Officers will take the required action by either dispatching an officer to respond to the scene of an incident, or by asking the victim and/or witnesses to report to Public Safety Department Headquarters. Individuals have the option to file a report online through the College's website via the Public Safety webpage using the Maxient Incident Reporting System. All reported crimes will be investigated by the College and may become a matter of public record. All BCC Public Safety incident reports involving incidents of student conduct, are forwarded to the Coordinator of Student Conduct and Development for review and further action deemed necessary. If an incident report involves an employee, it is forwarded to the Human Resources Department for review and further action deemed necessary. Incidents involving discrimination based on sex (i.e., sex discrimination, sexual harassment, sexual violence, gender-based harassment, and sexual exploitation) are forwarded to BCC's Title IX Coordinator which is discussed in greater detail later in this report. If assistance is required from the Bergen County Sheriff's Department; the Paramus, Hackensack, or Lyndhurst Fire Departments; and/or the Paramus, Hackensack, or Lyndhurst Police Departments, BCC Public Safety will contact the appropriate unit(s). 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, which are discussed in greater detail later in this report.

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 a Maxient Incident Report form. The Maxient Incident Report form can be accessed on the College website by clicking on "About Us", then clicking on "Public Safety" and then clicking "Report an Incident". Incidents can also be reported in person at the Public Safety office of each BCC location.

Persons 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 working cooperatively in tandem with each other. 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 or criminal activity or something that appears out of the ordinary, the individual has the option to 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 Department or the Bergen County Sheriff's Department, when the victim or witness of a crime elects to or is unable to file a report in the Maxient system. 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. By verbally expressing that you wish to make 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 which is required). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the current and future safety of yourself and the rest of the College community. With such information, the BCC Public Safety Department can

keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding 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 College's annual crime statistics.

Anonymous Sexual Crime/Incident Report

Victims or witnesses of sex-based crimes frequently would rather report such incidents without disclosing their names and other personal information. It is recommended that individuals reporting a crime or incident identify themselves in case additional or follow-up information is required. However, as previously mentioned, such alleged or actual incidents can be reported anonymously by submitting an incident form designed to collect the relevant information. Individuals can identify themselves or can do so anonymously by submitting the report via the BCC website. The report should be submitted by any individual who has been a survivor or witness of a sexual crime or incident. The report will be received by the Public Safety Department and the Office of Student Conduct. The following information should be provided if known:

- a. Date of report
- b. Date of assault
- c. Location of assault (On Campus/Off Campus)
- d. Victim gender
- e. Victim Affiliation to Bergen Community College
- f. How many assailants
- g. Gender of assailant(s)
- h. Assailant affiliation to Bergen Community College
- i. Sexual Assault or Sexual Contact (non-penetration)
- j. Was the incident reported to the local police department?
- k. Was the incident reported to an agency other than the local police department?
- l. Identification and contact information for person submitting the report.
- m. Notice to send this form to Bergen Community College Counseling Center HS100 Attention: Personal Counseling "CONFIDENTIAL."

Crimes should be accurately and promptly reported which can be done via the BCC website by clicking on "About Us", then "Public Safety", and then clicking on "Report an Incident;" or by contacting 201-689-7070. This will provide the Public Safety Department with all the pertinent information to address the crime/incident. In the case of a sex-based crime, Public Safety will inform the Title IX Coordinator of the reported crime/incident who is involved in such matters. Victims or witnesses can also report such matters by directing calling or meeting with the Title IX Coordinator and/or Public Safety Department personnel. Information and how to do so is discussed later in this document.

Pastoral and Professional Counselors

As a public institution, Bergen Community College does not encourage pastoral counseling. The college encourages personal Professional Counselors to inform individuals that they are counseling, of the option to report crimes on an anonymous or confidential basis which are included in the annual crime statistics. A confidential report can also be filed via the Maxient System on the BCC website as described above.

An individual who desires to confidentially report a crime without such information being shared with a Campus Security Authority, Public Safety personnel, or local law enforcement, may speak voluntarily with one of the College's Professional Counselors. Professional Counselors, who have legally protected confidentiality, are available for counseling and assistance during regular business hours in the Medical Office Rm HS100 (201) 447-9257 at the Paramus Main Campus. Although counseling services are not available at the Lyndhurst Meadowlands Campus or Hackensack Campus, students may access such services through the Paramus main campus. Information shared with the College's Professional Counselors will remain confidential and will not be shared without the express, written permission of the individual seeking services, unless required by law or court decree. All counselors in the College's Personal Counseling Center are licensed Professional Counselors. If the incident involves discrimination based on sex, Professional Counselors should recommend that their counselee report the incident to the Title IX Coordinator and provide the Title IX Coordinator's contact information and how to report an incident.

Report to a Campus Security Authority (CSA)

Campus Security Authorities (CSAs) are employees of the College who have the responsibility and are required to report allegations of Clery crime incidents/offenses they are made aware of to either the Public Safety Department, Title IX Coordinator, or other College designated individuals, depending on the incident. Under the Clery Act, a crime is "reported" when it is brought to the attention of a CSA, the institution's police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender. It does not matter whether the individuals involved in the crime, or reporting the crime, are associated with the institution. If a CSA receives a reported incident, he or she must report it.

CSAs encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution. All individuals who work for either department are campus security authorities.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). This includes individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security such as for sporting events, or escort students around campus after dark (including other students).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. This includes anyone or any organization that the College directs the College community to report Clery crime incidents to, in addition to police or security-related personnel.
- Any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing (not applicable to BCC), student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to specific issues on behalf of the College.

Members of the College community are helpful when they immediately report crimes or emergencies to BCC Public Safety personnel, the Title IX Coordinator, and/or to a designated CSA. This will ensure that such incidents are appropriately addressed for purposes of ensuring the safety and security of the College community, including such incidents in the annual crime statistics, and assessing them for purposes of issuing Timely Warnings or Emergency Notifications, when deemed necessary.

CSAs for example include the following:

- Public Safety Department personnel
- Bergen County Sheriff's personnel (located at Paramus campus)
- Title IX Coordinator, Deputy Coordinators, and Investigators
- Deans
- Department Heads/Chairs/Directors
- Academic Counselors (does not include licensed Professional Counselors)
- Academic Advisors, Club Advisors
- Athletic Director, Coordinator of Athletics, all Athletic Coaches, Athletic Trainers
- Wellness Center Staff
- Office of Health Services
- Director of Student Life
- Student Conduct Staff - Coordinator of Student Conduct and Development, Coordinator of Student Life, Student Life Secretary
- Student Leadership, Information Desk Attendants (student staff), Student Life Office Assistants (student staff),

Individuals who do not meet the criteria and thus are not CSAs include:

- Faculty members who do not have any responsibility for student and campus activities beyond the classroom.
- Clerical, cafeteria, or facilities staff
- Professional Counselors
- Pastoral Counselors (BCC does not encourage pastoral counseling as a public institution)

Professional Counselors are individuals whose official responsibilities include providing mental health counseling to members of the College community and who are functioning within the scope of their license or certification. This can include Professional Counselors who are employees of the College as well as those who are not employees but under contract to provide counseling services at the College. Professional counselors are exempt from CSA reporting requirements to ensure that these individuals can provide appropriate counseling services without any obligation to report crimes they learn about while maintaining the trust of those they are counseling. This exemption is intended to protect the counselor-client (counselee) relationship. However, there may be situations where Professional Counselors are under a legal obligation to report a crime. In addition, Professional Counselors are encouraged where appropriate to inform their counsees that it may be beneficial to report the incident, and the procedures of how and to whom to report an incident on a voluntary basis for the benefit of the College community, and for inclusion of the incident in the annual crime statistics. This also includes informing counsees that they can report a crime or incident on a voluntary, confidential basis.

College personnel who are CSAs are identified based on the function of their position through an annual review process with the help of the Human Resources Department. The Public Safety Department and Compliance Office reviews College positions to determine if their job functions and responsibilities qualify them as CSAs. This may include the review of job descriptions to assess if position functional responsibilities qualify from a CSA standpoint. Once determined, the individuals in those positions are identified and informed that they are CSAs and their related CSA responsibilities. Training is provided online to all CSAs annually which they are required to take, and which is monitored for compliance. The

Public Safety Department and Compliance Office obtain all newly created positions from Human Resources to determine if they have CSA responsibilities. In addition, the Human Resource Department identifies and informs the Public Safety Department and Compliance Office when new employees are hired into and/or leave CSA designated positions.

Incident Reporting Requirements Under the Clery Act vs. Title IX

There are similarities and differences in the incident reporting requirements under the Clery Act versus Title IX in terms of the types of incidents/offenses that must be reported, and individuals of the College who are required to report such incidents. As mentioned above, the Clery Act requires employees in certain job functions and with specific responsibilities to report all Clery crime incidents/offenses they are made aware of to either the Public Safety Department, Title IX Coordinator, or other College designated individuals, depending on the incident(s). Individuals in such job functions are known as Campus Security Authorities. Clery crime incidents/offenses include criminal offenses; hate crimes; arrests and disciplinary referrals for weapons, drug abuse, and liquor law violations; and sexual violence crimes of domestic violence, dating violence, sexual assault, and stalking. Clery crime incidents/offenses are discussed in greater detail later in this document.

Title IX of the Education Amendments of 1972 is a Federal civil rights law that focuses on and prohibits discrimination based on sex in education programs and activities that receive federal funding. Title IX protects students, faculty, and staff against sex discrimination, sex-based harassment (i.e., sexual harassment, sexual violence, and gender-based harassment), and sexual exploitation. Since Title IX's passing, its interpretation and regulations have been amended, altered, and redefined, with new regulations released by the U.S. Department of Education in April 2024 and which became effective August 1, 2024. Under the new/final 2024 Title IX regulations, BCC faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to report all known details of actual or suspected sex discrimination, sex-based harassment, or retaliation promptly and effectively to appropriate officials immediately. Any non-confidential employee of BCC who either has authority to take corrective action on behalf of the College, or has responsibility for administrative leadership, teaching, or advising in BCC's educational programs or activities is obligated to notify the Title IX Coordinator of a known actual or suspected incident of sex discrimination, sex-based harassment, or retaliation. All other non-confidential employees are obligated to either notify the Title IX Coordinator of the incident or provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to the victim or witness of an incident.

Under Title IX, Confidential Employees are not required to report harassment, discrimination, or retaliation to the Title IX Coordinator, barring an emergency or when required to disclose by law or court order. There are three categories of Confidential Employees: (1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; (2) Those whom BCC has specifically designated as Confidential Resources for purposes of providing support and resources to the Complainant (i.e., victim or witness to an incident); and (3) Those conducting human subjects research as part of a study approved by the BCC Institutional Review Board (IRB). For those in category (1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting the incident, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the notice of an incident. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Bergen Community College adheres to the reporting requirements under both the Clery Act and Title IX.

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 are required to sign-in with the necessary information/credentials and are given an identification tag to display on their outermost garment. If any student, staff, or 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. This can be done by contacting the Public Safety Department via telephone (201-447-9200) or emailing the Associate Vice President of Public Safety David Borzotta at dborzotta@bergen.edu.

BCC Public Safety officers conduct routine patrols of campus buildings to evaluate and monitor security related matters. They patrol the Paramus Campus 24 hours a day, 7 days a week, 365 days a year including holidays and weekends. As noted below, while the Hackensack and Lyndhurst locations are patrolled during regular operating hours, BCC Public Safety Officers periodically check these facilities during non-operating hours, and the Bergen County Sheriff's Department patrols these facilities. Added security measures of certain facilities include card access, bollards have been installed outside the Student Center of the Paramus campus, and all 3 locations are equipped with surveillance camera (CCTV) and burglar alarm systems.

All three BCC locations do not have residential halls, campus housing, or residential facilities.

Paramus – Main Campus



At the BCC Paramus Main Campus academic buildings are open from 6 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 is 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 Administrators.

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

Hackensack Campus (Philip Ciarco Jr. Learning Center)



At the BCC Hackensack Campus the academic building is open from 7:00 a.m. until 10:30 p.m., Monday through Friday. Administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday. During regular business hours, the building is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, BCC Public Safety will admit only those individuals with prior approval given by a Public Safety Administrator or other appropriate College Administrators. In the event of snow closings and/or other emergency closings, no building admittance will be given except to necessary personnel (Public Safety, Custodial, Buildings & Grounds, Maintenance, HVAC) as needed.

BCC Public Safety and the Bergen County Sheriff's Department routinely patrol the building (interior & exterior) and parking lot, to monitor and maintain building safety and security and address all related concerns. Members of the college community aid in security measures by reporting suspicious activity or dangerous conditions promptly to BCC Public Safety and/or the 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. Administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday. During regular business hours, the building is 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 Administrators. In the event of snow closings and/or other emergency closings, no building admittance will be given except to necessary personnel (Public Safety, Custodial, Buildings & Grounds, Maintenance, HVAC) as needed.

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

Maintenance of Campus Facilities

To ensure the continuous efforts of keeping our campus community safe and secure, security issues and considerations are given high priority in the design of new facilities as well as the ongoing maintenance and upkeep of existing facilities. The Public Safety Department, as part of their routine patrols conducts regular security checks and surveys of existing facilities, with their findings and recommendations sent to the Facilities Department for corrective action when necessary. The Public Safety Department works in tandem with the Facilities Department on a recurring basis to address all safety and security related issues and improvements. For example, the following facilities related activities and projects have been undertaken, campus lighting surveys and improvements, environmental review/investigations of mold and asbestos containing materials, campus-wide emergency communication system upgrade, fire protection and life safety equipment upgrades,

hazardous materials management and disposal, and general refuse management and disposal. Activities of this type and nature are conducted regularly, and deficiencies promptly addressed.

Statement of Law Enforcement Authority and Jurisdiction on Campus

BCC's Public Safety Department at the Paramus campus is staffed 24 hours a day, 7 days a week, 365 days a year. Public Safety Officers provide a variety of services to maintain the safety and security of the BCC community for the protection of students, employees, and visitors, and the safeguarding of the College's property. These services include the patrol and monitoring of all three College locations, responding to emergency situations, providing escort services for students and employees, focusing on, and educating the College community in the areas of crime prevention and awareness, and working with local fire and law enforcement agencies on matters that require their assistance and expertise. The Department maintains orderly conditions and takes measures required to assure observance of the law. Public Safety Officers utilize foot and vehicle patrols to observe, report, and respond to situations or activities which pose a potential danger to persons or property.

Public Safety Officers have the authority to enforce College policies. Public Safety Officers do not carry firearms and are not sworn law enforcement officers. They are unarmed and do not have the powers and authority bestowed on police. Therefore, they do not have the authority to make arrests. They are responsible for enforcing College policies, and those policies include enforcing violations of the law. Public Safety Officers document violations of BCC policy/law and contact local, state, and federal law enforcement agencies to report observed violations of federal and state laws.

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 training in the following areas: Hostile Intruder, Evacuation, CPR/AED, Stop the Bleed, De-Escalation, and Narcan, in addition to instruction in campus security procedures.

Public Safety Officers have jurisdiction to operate on BCC owned or controlled property. The College enjoys an excellent working relationship with the Bergen County Sheriff's Office, who has a substation on the Paramus campus in room A-114 of the Pitkin Education Center. We have enhanced our partnerships with local and state law enforcement agencies such as the Paramus Police Department, Hackensack Police Department, Lyndhurst Police Department, the Bergen County Office of Emergency Management, and the Bergen County Prosecutors Office.

PUBLIC SAFETY OFFICERS ARE UNARMED AND DO NOT HAVE POLICE POWERS OR THE POWER TO MAKE ARRESTS.

There is a memorandum of understanding regarding many safety and security topics, including the investigation of criminal incidents, between BCC and the Bergen County Sheriff's Department.

Although there is no memorandum of understanding, between BCC and the Paramus Police Department, Hackensack Police Department, Lyndhurst Police Department, Bergen County Prosecutor's Office, N.J. State Police, and Federal and State law enforcement agencies, the College maintains a professional and collaborative working relationship and cooperates fully with these law enforcement groups, to ensure the safety and security of the campus community at all three College locations.

Accurate and Prompt Reporting of Crimes/Incidents and Security Tips

As stated earlier, crimes should be accurately and promptly reported to the BCC Public Safety Department or the Bergen County Sheriff's Department, when the victim or witness of a crime elects to or is unable to file a report. The following security tips are recommended which contribute to a safe and secure campus, and the well-being of the College community.

1. Report all suspicious persons or activities promptly and accurately to the Public Safety Department. However, do not put yourself in harm's way and do not jeopardize your safety and the safety of others when reporting such incidents.
2. Always be aware of your surroundings and pay attention to what other people are doing.
3. Always lock your classroom, locker, and vehicle. Keep valuables out of plain sight.
4. Although alcohol is **not permitted** at Bergen Community College, it is important to acknowledge that excessive alcohol consumption decreases your personal safety because your judgment is impaired.
5. When walking during evening hours, stay on well-lit pathways. If possible, walk with a friend or in a group.
6. Always look out for one another.
7. Vacate all buildings immediately when a fire alarm activates.
8. 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.

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. Students may be hesitant to offer assistance to others for fear that they may get themselves in trouble (e.g., 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 punitive measures, to those who offer their assistance to others in need. The same applies to employees.

Monitoring/Reporting of Criminal Activity at Non-Campus Locations of Student Organizations

Bergen Community College does not have officially recognized student organizations that own or control any facilities outside of the BCC core campuses. Therefore, there is no requirement for the Bergen County Sheriff's Department to monitor, report, and record criminal activity at non-campus locations of student organizations.

Timely Warnings

When Clery crimes are reported to the Public Safety Department, a CSA, or local law enforcement that occurred within BCC's Clery defined geography (on campus, adjacent public property, and non-campus controlled or owned property), which presents/poses a serious or continuing/on-going threat to the College community, a campus wide Timely Warning is issued to heighten safety awareness. Timely warnings are issued based on a case-by-case analysis of the facts and circumstances. They 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)
- A string of burglaries or motor vehicle thefts that occur in reasonable proximity to one another.
- 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 of information known). Cases involving sexual assault, are often reported long after the incident occurred, thus there is no ability to distribute a “Timely” Warning notice to the community. 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 Associate Vice President of Safety and Security, or designee.

It will be the judgment of the Associate Vice President of Safety and Security in collaboration with other college officials to determine if a Timely Warning is required, 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 College community. Timely Warning Notices are typically written and distributed by the Associate Vice President of Safety and Security, or designee.

The Timely Warning is distributed to the entire College community, which can be sent out via the College’s Emergency Notification System that includes text messages, email alerts, alerts on the College’s website, and any other method 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 that the Timely Warning was released, and any other relevant information needed. The Timely Warning may also include prevention tips and how to report similar occurrences. Timely Warnings 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. Timely Warnings are issued by the Public Safety Department in coordination with the Executive Director of Public Relations.

Emergency Notifications

The Public Safety Department is responsible for confirming whether a significant emergency exists in conjunction with the College President, campus administrators, local first responders and/or the national weather center. Public Safety defines an emergency as one of the following events occurring on campus or adjacent to campus: active shooter, attack, bombing, electrical outage, fire, flood, natural disaster (e.g., tornado, hurricane, blizzard), snow, terrorist threat or unnamed event putting the College community’s safety and security at risk. When a specified event occurs, which necessitates issuance of an Emergency Notification, Public Safety engages appropriate law enforcement, emergency management, or other related agencies to corroborate information and intelligence. Once confirmed, Public Safety gathers all pertinent facts to build its knowledge base on the emergency, as it prepares to communicate with the College community.

Individuals can report emergencies occurring at the College by calling 201-447-9200. In the event of a confirmed immediate or imminent on-campus threat or emergency to the health and safety of the BCC

community (e.g., active shooter, tornado or hurricane, hazardous material spill, fire, explosion, etc.), an Emergency Notification will be issued without delay to the College community. This is done 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. Messaging will also be distributed through the College's internal IPcelerate system which broadcasts messages through the classroom and office telephones. Face to face communication may also be used if necessary. An Emergency Notification will be issued even if a threat is not on or immediately adjacent to any of the College's locations, if it presents an immediate danger to the health or safety of the College community.

The Associate Vice President of Safety and Security, in collaboration with other College officials will determine the appropriate content of the Emergency Notification and the best method(s) for disseminating the information as quickly as possible. The Associate Vice President of Safety and Security, and authorized College personnel have the responsibility for issuing Emergency Notifications through the College's Emergency Notification System. The Associate Vice President of Safety and Security or designee will use some or all the systems described 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.

Public safety has established a communication protocol for informing internal and external constituents in any emergency:

- The Vice President of External Affairs (VPEA) or the Associate Vice President of Public Safety or the Vice President of Facilities contacts the Executive Director of Public Relations (EDPR) to confirm the College's posture or operating status.
- In the event of an emergency occurring in real-time (such as an active shooter, bombing, tornado, etc.), the EDPR may use their discretion to unilaterally inform the College community of a clear-and-present danger where seconds matter.
- The EDPR follows this process for targeting specific messages:
 - The EDPR ascertains causes/scenario from Public Safety leadership.
 - The EDPR contacts the College President and VPEA to report on the scenario and to make communication strategy recommendations.
 - In the event of a scenario that requires targeted/segmented communication, rather than a broadcast to the entire community, the EDPR makes a recommendation about how to implement the communication strategy on a targeted basis. For example, should an isolated emergency occur at the Meadowlands campus, the EDPR will recommend engaging the location's leadership to help disseminate the message, while also deploying the SendWordNow notification system to send to a tailored list of "Meadowlands-only" students and employees.

Bergen Community College will carefully consider the safety of the community to determine the content of the notification and to 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. Based on the type, nature and conditions of the emergency or incident, the Emergency Notification content is developed in a manner which provides enough information to the College community to understand the incident and risk, and to take the appropriate protective actions. When the EPDR is informed of and confirms the details of the emergency incident from Public Safety, the College President and VPREA are informed of the situation, and the EDPR informs the College community of the emergency via the following distribution methods – Bergen.edu, email, SendWordNow, and/or social media. If available and also deemed necessary, the EPDR distributes messages through College phones and Paramus

Road E-Sign. The EPDR has developed templated responses for various emergencies. For example, if the College closes due to a winter storm, the following message is distributed:

Due to the winter storm forecasted to impact the entire region, all Bergen Community College locations will close XXX at XXX and remain closed until XXX, XXX, XXX XX at XX X.m. All classes, activities and events scheduled to take place XXX are canceled. Classes will resume on XXX, XXX XX.

The Emergency Notification System is a service which students and employees can register for free to receive information directly to their email account, and cell/home phones in the event of an emergency or campus closure. Students and employees can register for this on the College's web page (www.bergen.edu), which they are encouraged to do. The content of the message will vary depending on the situation. At a minimum, the messages will describe the nature of the emergency and what changes one needs to make immediately as a result, any necessary evacuation procedures, any other basic instructions provided, where additional information can be received, and assurance that an all-clear message will be sent when the emergency is over. Follow-up information will be distributed using some or all the below identified communication systems.

The College's Vice President of External Affairs or designee publishes Emergency Notifications, such as weather closings and delays, via multiple platforms, which include:

- Social media (Facebook, Instagram, Twitter)
- Bergen.edu
- Faculty, staff, and student email
- SendWordNow Alert System

In addition, the Associate Vice President of Safety and Security 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. When the facts and circumstances of an emergency incident are analyzed and determined to impact and extend beyond the College community and to the larger community, traditional media (e.g., radio, television, print publications) and/or social media (e.g., online news outlets, microblogs) may be used to notify the larger community of the emergency. The EDPR has the responsibility for making recommendations regarding when to engage external media agencies about an emergency. These recommendations, made to the College President and VPEA, become relevant in scenarios that require greater dissemination than the College can offer unilaterally. Such examples include: an active shooter, a bombing, or terroristic threat. The EDPR arranges for many local media outlets to receive all the College's top-level emails, which often provides them with the necessary information without requiring the EDPR to specifically contact them.

The 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, the College will follow its Emergency Notification procedures. When the College follows its emergency notification procedures, it is not required to issue a timely warning based on the same circumstances. However, the College must provide adequate follow-up information to the community as needed.

Below is a summary provided by the Clery Center of the separate and distinct requirements of Timely Warnings and Emergency Notifications. The Clery Center is a national nonprofit organization dedicated to assisting colleges and universities meet the standards and requirements of the Clery Act.

	Timely Warning	Emergency Notification
When should this alert be sent?	When Clery crimes reported to a campus security authority or local law enforcement pose a serious or ongoing threat to the campus community.	When there is confirmation of an immediate threat to the health and safety of the campus community.
Does the location of the incident matter?	Only required for Clery crimes occurring within Clery geography that pose a serious or ongoing threat.	On-campus emergencies only.
What should this alert contain?	Date, nature, location of incident; prevention tips; how to report a similar occurrence.	Information about the nature of the emergency and what changes one needs to make immediately as a result; evacuation procedures if necessary; assurance that an all-clear will be sent when emergency is over.
Who should receive this alert?	Must reach entire campus community.	Can be segmented, if appropriate.
How is a determination made to send the alert?	Case-by-case analysis if the factors above are present.	Procedure in place to confirm whether a significant emergency exists.
Who issues the alert?	Not prescribed by the Clery Act—should be an individual or office with authority and capability to issue campus-wide communication. For BCC, issued by the Public Safety Department in coordination with and assistance from the Public Relations Department.	Not prescribed by the Clery Act—should be an individual or office with authority and capability to issue campus-wide communication. For BCC, issued by the Public Safety Department in coordination with and assistance from the Public Relations Department.
How should it be disseminated?	Multi-modal system intended to reach the entire campus community; most commonly emails, website updates, and social media posts.	Multi-modal system is best to ensure delivery; segmentation of messaging is permitted, if appropriate.

Emergency Drills, Testing, and Evacuation Policies/Procedures

Emergency Response

In every building on campus, there are exit signs and evacuation plans, which are affixed to the walls. Members of the College Community are encouraged to become familiar with the exit routes and evacuation plans before an emergency occurs. In the event of an emergency, the direction is to remain calm, quickly gather only those clothing items that would be required for the current weather conditions, and necessary personal items (e.g., handbag, wallet, car keys), and depart the building at your nearest exit. Clothing and personal items should only be gathered if near where you are located when informed of the emergency and should not delay your exit of the building. Your safety and that of others is first and foremost.

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 issue directions depending on the situation. If a different location for your safety is required, Public Safety staff will coordinate that move. In the event of an actual emergency or evacuation drill, the stairs should be used to exit the building, and not the elevators.

During evacuation drills, if anything is identified that may cause a safety concern during a real evacuation, please notify Public Safety Department personnel. These drills are also evaluated to make further improvements to the evacuation policies and procedures. Evacuation drills are not announced and are also conducted with volunteer Fire Wardens who act as support for the Public Safety Department. Assessment of drills are coordinated between the Public Safety Department, the Municipal Fire Department, and the County Fire Marshall.

Evacuation Procedures and Emergency Plans

Public Safety Officers and volunteer Fire Wardens are there to assist and ensure the evacuation is complete. 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 the 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 tabletop 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 College 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 the requirements of the Higher Education Opportunity Act.

In case of a fire, the following should be done:

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

In the event a fire alarm sounds, the following procedures should be followed:

- Feel the closed door of the room. If it feels hot or the hallway is filled with smoke DO NOT OPEN THE DOOR. Go to the window and wait for rescue. If the door is cool, CLOSE ALL WINDOWS before opening the door slowly.
- Upon leaving the room, leave the lights on and the door CLOSED. Take your coat and keys if feasible.
- If conditions prevent exiting the room: Open the windows whenever possible if there is smoke; if there is no smoke, leave the windows closed to prevent outside smoke from being drawn into the room.
 - Seal cracks around the door where possible, preferably with damp towels or clothing.
 - If 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.
- If smoke is severe, place a wet cloth over your nose, and remember to stay low and close to the floor where it is cooler, and the air is cleaner.
- When evacuating a building:
 - Walk at a brisk pace, but DO NOT RUN. Go to the nearest exit or stairway.
 - DO NOT USE ELEVATORS.
 - Follow the posted specific corridor and/or Fire Wardens' instructions as to the proper exit route and assembly point.
 - 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.
 - Do not re-enter building until instructed 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 & How You Will Know to Shelter-in-Place

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 belongings (purse, wallet, keys, 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). If you have evacuated or are outdoors, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions. A shelter-in-place notification may come from several sources, BCC Public Safety, other College employees, the Local Police Department, 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.
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be 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 (College Facilities staff will turn off the ventilation as quickly as possible).
6. Make a list of the people present and someone (e.g., hall staff, faculty, or other staff) should call in the list to BCC Public Safety Headquarters to document where you and the others are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV if accessible to obtain details of the incident, or by streaming news channel apps on a cell phone.
8. Await further instructions.
9. Remain calm and make yourself comfortable.

Emergency Plans

The College's focus and attention on providing a safe and secure learning and working environment is paramount, which includes protecting students, faculty, staff, and visitors by ensuring a swift and effective response to all emergencies. This includes preparing for such emergencies to minimize their impact; identifying what is working and what gaps in emergency procedures and protocols exist; working collaboratively and in unison with first responders, local law enforcement agencies, and emergency response teams; and providing guidance, direction, and education to the College community if an emergency occurs.

The College maintains both an Emergency Operations Plan (EOP) and an Emergency Action Plan (EAP). The EOP provides a detailed plan should an emergency occur and is available to the College's Public Safety personnel, others charged with safety and security, and College leadership and other officials. The EOP includes content regarding the Chain of Command who are responsible for oversight of emergency functions and who provide continuous leadership, direction, and authority during an emergency incident or crisis. The EOP also provides content and direction on how to respond to the various emergencies which includes emergency evacuation procedures; shelter-in-place procedures; hostile threat procedures; staging of triage areas; transportation and relocation to alternate locations; and issuance of warnings and communications to the College community, parents, and the public.

The EAP is available to the entire College community and the public and provides guidance and direction if an emergency incident occurs. This includes emotional crisis emergencies such as the death of a College community member on campus including actual or attempted suicides; fire and smoke emergencies; environmental emergencies such as chemical spills, natural gas leaks, and other hazardous environmental releases; law enforcement emergencies such as bomb threats, active shooter/hostile intruder on campus, and biological agent threats such as suspicious letters and packages; medical emergencies such as injuries and infectious disease outbreak or exposure; and hazardous weather conditions and emergencies such as hurricanes, tornados, and blizzard conditions.

Discrimination Based on Sex (Sexual Misconduct)

Students and employees are entitled to an educational and employment environment that is free of discrimination based on sex (i.e., sexual misconduct). The College prohibits all forms of sexual misconduct and retaliation in its educational and employment programs and activities. Sexual misconduct broadly includes:

- **Sex discrimination** - different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived sex, including the person's sexual orientation, gender identity, or pregnancy.
- **Sex-based harassment** - a form of sex discrimination and means sexual harassment and other harassment based on sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination or harassment based on sex means conduct that is sexual in nature, or that is directed to the victim because of his/her actual or perceived sex or gender identity. Sexual harassment includes:
 - **Quid Pro Quo** - an employee, agent, or other person authorized by BCC, to provide an aid, benefit, or service under BCC's educational and employment programs and activities, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct. 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.

- **Hostile Environment** - unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from BCC's education or employment programs or activities.
- **Sexual Violence** – includes domestic violence, dating violence, sexual assault, and stalking (i.e. VAWA crimes as defined below), sexual battery, sexual abuse, and sexual coercion.
- **Gender-Based Harassment** - 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.
- **Sexual exploitation** - 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.
- **Sexual intimidation** - 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.

Policies Prohibiting Discrimination Based on Sex

BCC is committed to providing its students and employees with an academic and work environment free from sexual harassment or discrimination. Sexual harassment in any form constitutes prohibited, unprofessional, and unacceptable conduct, and may be a violation of Title VII of the Civil Rights Acts of 1964 and 1990, as amended, Title IX of the Education Amendments of 1972, as amended, New Jersey laws against discrimination, established case law or State policies, and College conduct policies.

The College has policies which prohibit all discrimination based on sex which apply to all individuals, including administrators, faculty, staff, students, guests, and visitors. The College will not tolerate, condone, or allow sexual harassment or discrimination of any of its students or employees, by any instructional, supervisory, managerial, or administrative personnel, co-workers, students, independent contractors, vendors, or others with whom the College does business. The College will enforce these policies and expects all employees and students to be diligent in preventing, detecting, and reporting any incidents of discrimination based on sex. All employees and students are expected to avoid any act or statement that may constitute sexual discrimination or harassment and to ensure that their conduct complies with the College's conduct policies. The College will take appropriate disciplinary action when an investigation reveals that an individual has engaged in any such prohibited conduct.

Bergen Community College conducts regular reviews of our Health and Wellness prevention programs as well as Student and Employee conduct programs and policies to determine effectiveness, implement needed changes, and ensure disciplinary sanctions are consistently enforced.

Domestic Violence, Dating Violence, Sexual Assault, and Stalking Prevention

Bergen Community College is committed to providing an educational and employment environment that is free from sex discrimination and sex-based harassment which includes domestic violence, dating violence, sexual assault, and stalking. To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the College's education programs and activities, BCC has developed policies and procedures that prohibit discrimination on the basis of sex, and provides for a prompt, fair, and impartial investigation and resolution process of allegations of sex discrimination, sex-based harassment, or retaliation. The College maintains a Title IX policy (<https://bergen.edu/wp-content/uploads/HR-001-004-2023-Title-IX-policy-and-Procedures.pdf>) which addresses all discrimination on the basis of sex which includes the contact information of the College's Title IX Coordinator and other Title IX Team members. The College also maintains a policy which specifically addresses and prohibits sexual harassment (<https://bergen.edu/faculty-staff/human-resources/compliance-training/sexual-harassment-policy/>). Various members and departments of the College including the Title IX Coordinator, Public Safety Department, Student Life and Conduct, Office of Student Affairs, Human Resources Department, Counseling Center, and Health Services provide supportive services, and offer various programs throughout the year designed to create awareness and educate the College community about discrimination based on sex and sex-based violence/incidents.

Supportive Measures

BCC offers appropriate and reasonable supportive measures to the parties involved in an alleged or actual sex discrimination or sex-based harassment incident, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to BCC's programs or activities or provide support during BCC's resolution procedures, including measures designed to protect the safety of all parties and/or BCC's educational and employment environment and/or to deter sex discrimination, sex-based harassment, and/or retaliation. BCC will maintain the confidentiality of the supportive measures if confidentiality does not impair BCC's ability to provide those supportive measures. BCC will act to ensure as minimal an academic or occupational impact on the parties as possible. BCC will implement measures in a way that does not unreasonably burden any party and cannot be imposed for punitive or disciplinary reasons.

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

BCC prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking, as defined by the Clery Act and New Jersey state (Title 2C) statute, and included in the College's Sexual Harassment and Title IX policies. Definitions are provided here to gain an understanding of the nature and extent of these sexual violence incidents and why they are prohibited on all BCC campuses and sponsored activities. This includes a definition of consent, which is important in understanding that any sexual activity without consent is a crime, and that consent must be clearly and freely given.

Consent

BCC defines consent as follows:

Knowing, and voluntary, and clear permission by word or action to engage in sexual activity. Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party

to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

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 is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

Consent can also be withdrawn once given if the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on BCC to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

N.J. Stat. § 2C:2-10

Current through L. 2023, c. 349. Section 2C:2-10 – Consent

The State of New Jersey defines consent as follows:

- a. In general. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.
- b. Consent to bodily harm. When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if:
 1. The bodily harm consented to or threatened by the conduct consented to is not serious; or
 2. The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or
 3. The consent establishes a justification for the conduct under chapter 3 of the code.
- c. Ineffective consent. Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if:
 1. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or
 2. It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or

3. It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Consensual Relationships

Consensual romantic and sexual relationships between supervisors and employees or between faculty and students 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 act to make changes that eliminate the conflict of interest and that impacted employees or faculty members are recused from making decisions that have an impact, either directly or indirectly, on the other individuals involved in the relationship.

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 if a lawsuit based on the relationship is filed. In addition, failure to give proper notice to the appropriate supervisor may result in disciplinary action. Disciplinary action may also be imposed on a faculty member who does not properly disclose to the College a relationship he/she has with a student.

Domestic Violence

The Clery Act defines the crime of domestic violence (used in Clery Act classification) as follows:

A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred.

For the purposes of complying with the requirements, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

N.J. Stat. § 2C:25-19

Current through L. 2023, c. 349.

Section 2C:25-19 – Definitions

The State of New Jersey defines domestic violence as follows:

- a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:
1. Homicide N.J.S. 2C:11-1 et seq.
 2. Assault N.J.S. 2C:12-1
 3. Terroristic threats N.J.S. 2C:12-3
 4. Kidnapping N.J.S. 2C:13-1
 5. Criminal restraint N.J.S. 2C:13-2
 6. False imprisonment N.J.S. 2C:13-3
 7. Sexual assault N.J.S. 2C:14-2
 8. Criminal sexual contact N.J.S. 2C:14-3
 9. Lewdness N.J.S. 2C:14-4
 10. Criminal mischief N.J.S. 2C:17-3
 11. Burglary N.J.S. 2C:18-2
 12. Criminal trespass N.J.S. 2C:18-3
 13. Harassment N.J.S. 2C:33-4
 14. Stalking P.L. 1992, c.209 (C.2C:12-10)
 15. Criminal coercion N.J.S. 2C:13-5
 16. Robbery N.J.S. 2C:15-1
 17. Contempt of a domestic violence order pursuant to subsection b. of N.J.S. 2C:29-9 that constitutes a crime or disorderly persons offense.
 18. Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L. 1991, c.261 (C.2C:25-17 et al.)
 19. Cyber-harassment P.L. 2013, c. 272(C.2C:33-4.1)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L. 1982, c.77 (C.2A:4A-30).

- b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.
- c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.
- d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
- e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

Dating Violence

The Federal Clery Act defines the crime of dating violence (used in Clery Act classification) as follows:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The State of New Jersey defines dating violence in 2C:25-19(d), which is listed above within the New Jersey State definition of domestic violence as follows:

The New Jersey State Code definition "Victim of Domestic Violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship (see below).

Can be found in 2C:25-19 subsection (d):

"Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

Sexual Assault

The Federal Clery Act defines the crime of sexual assault (used in Clery Act classification) as follows:

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 and included in Appendix A of 34 CFR Part 668. 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 is incapable of giving consent."

- Rape is defined as 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 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.

N.J. Stat. § 2C:14-2

Current through L. 2023, c. 349.

Section 2C:14-2 - Sexual assault

The State of New Jersey defines sexual assault as follows:

- A. An actor is guilty of aggravated sexual assault if the actor 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, carjacking, kidnapping, homicide, aggravated assault on the victim or a person other than the victim, 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 commits the act using coercion or without the victim's affirmative and freely given permission.
 6. The actor commits the act using coercion or without the victim's affirmative and freely given permission and severe personal injury is sustained by the victim.
 7. The victim, at the time of sexual penetration, is one whom the actor knew or should have known was:
 - a. physically helpless or incapacitated,
 - b. intellectually or mentally incapacitated, or
 - c. had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the distinctively sexual nature of the conduct, including, but not limited to, being incapable of providing consent, or incapable of understanding or exercising the right to refuse to engage in the conduct.

Aggravated sexual assault is a crime of the first degree.

Except as otherwise provided in subsection d. of this section, a person convicted under paragraph (1) of this subsection shall be sentenced to a specific term of years which shall be fixed by the court and shall be between 25 years and life imprisonment of which the person shall serve 25 years before being eligible for parole, unless a longer term of parole ineligibility is otherwise provided pursuant to this Title.

- B. An actor is guilty of sexual assault if the actor commits an act of sexual contact with a victim who is less than 13 years old, and the actor is at least four years older than the victim.
- C. An actor is guilty of sexual assault if the actor commits an act of sexual penetration with another person under any one of the following circumstances:
1. The actor commits the act using coercion or without the victim's affirmative and freely given permission, but the victim does not sustain severe personal injury.
 2. The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status.
 3. The victim is at least 16 but less than 18 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 of any nature or in any capacity over the victim; or

- c. The actor is a resource family parent, a guardian, or stands in loco parentis within the household.
- 4. The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.
- 5. The victim is a pupil at least 18 but less than 22 years old and has not received a high school diploma and the actor is a teaching staff member or substitute teacher, school bus driver, other school employee, contracted service provider, or volunteer and the actor has supervisory or disciplinary power of any nature or in any capacity over the victim. As used in this paragraph, "teaching staff member" has the meaning set forth in N.J.S. 18A:1-1.

Sexual assault is a crime of the second degree.

- D. Notwithstanding the provisions of subsection a. of this section, where a defendant is charged with a violation under paragraph (1) of subsection a. of this section, the prosecutor, in consideration of the interests of the victim, may offer a negotiated plea agreement in which the defendant would be sentenced to a specific term of imprisonment of not less than 15 years, during which the defendant shall not be eligible for parole. In such event, the court may accept the negotiated plea agreement and upon such conviction shall impose the term of imprisonment and period of parole ineligibility as provided for in the plea agreement and may not impose a lesser term of imprisonment or parole or a lesser period of parole ineligibility than that expressly provided in the plea agreement. The Attorney General shall develop guidelines to ensure the uniform exercise of discretion in making determinations regarding a negotiated reduction in the term of imprisonment and period of parole ineligibility set forth in subsection a. of this section.

N.J. Stat. § 2C:14-1

Section 2C:14-1 – Definitions

The following definitions apply to terms in Section 2C:14-2 - Sexual Assault

- a. "Actor" means a person accused of an offense proscribed under this act.
- b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act.
- c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime.
- d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present.
- e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock, or breast of a person.
- f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain.
- g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act.
- h. (Deleted by amendment, P.L. 2011, c. 232)
- i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct.

- j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7).

Stalking

The Federal Clery Act defines the crime of stalking (used in Clery Act classification) as follows:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

N.J. Stat. § 2C:12-10

Current through L. 2023, c. 349.

Section 2C:12-10 - Definitions; stalking designated a crime; degrees in New Jersey.

The State of New Jersey defines stalking as follows:

- a. As used in this act:
1. "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct, or a combination thereof directed at or toward a person.
 2. "Repeatedly" means on two or more occasions.
 3. "Emotional distress" means significant mental suffering or distress.
 4. "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.
- b. A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.
- c. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.
- d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

- e. A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state, or the United States.
- f. This act shall not apply to conduct which occurs during organized group picketing.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking Programming

The College provides various educational and informational primary prevention and awareness programming directed at new students and employees (i.e., faculty and staff) and ongoing prevention and awareness programming for current students and employees. Most programming is directed at both new and existing students and employees. Such programming promotes awareness and prevention, aimed at decreasing the likelihood of dating violence, domestic violence, sexual assault, and stalking. The College provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are intended to prevent dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Primary prevention programs are programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs are defined as College community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

The College's primary prevention and awareness programs for incoming students/new employees and ongoing prevention and awareness programs for current students/employees address and include the following:

- A statement that the College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.
- The College's sexual misconduct policy
- The Department of Education (i.e., Clery Act) and State of New Jersey definition of dating violence, domestic violence, sexual assault, and stalking.
- The definition of consent, in reference to sexual activity, by the State of New Jersey and the definition of consent by the College and the purposes for which that definition is used.
- A description of safe and positive options for bystander intervention; Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction; Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims to promote safety and to help individuals

and communities address conditions that facilitate violence. Information about risk reduction must not be presented in a manner that encourages victim blaming.

- Information on procedures the College follows when one of these crimes is reported and rights within disciplinary proceedings.
- A description of the College's ongoing prevention and awareness programs/campaigns for students and employees.
- What to do when you are a victim of sexual violence.
- How to make a report or file a complaint within the College's conduct system, and/or with the local police department or other law enforcement agencies.
- The causes of and myths involved with sex-based discrimination.
- College community resources to assist both the victim and the accused.

Prevention and awareness programming provided by BCC includes the following:

- **Domestic Violence Representation Project by Legal Services of NJ**: A representative from Legal Services of NJ discussed how to identify a healthy relationship, signs of an unhealthy relationship, and legal options available in family court for victims of domestic violence and sexual offenses.
- **Human Trafficking Workshop**: Discussion about human trafficking in NJ, methods of recruitment, how to prevent trafficking, and actions taken to help potential victims. Presented by BCC's Violence Intervention Prevention Center and YWCA healingSPACE of Northern NJ.
- **International Denim Day**: BCC's participation in International Denim Day, which is a campaign to help prevent sexual violence through education and public awareness. It is a call to action for all people to come together by wearing denim as a visible sign of protesting sexual violence.
- **New Student In-Person Orientation**: Includes awareness of Title IX, sexual misconduct, consent, and overview of campus policies and available resources.
- **New Adjunct, and New Employee Orientation**: Includes awareness of Title IX, sexual misconduct, consent, and overview of campus policies and available resources.
- **Sexual Assault Awareness Month**: The college coordinates programs each Spring for Sexual Assault Awareness Month. Events have included Responsible Employee training, Bergen County YWCA Healing SPACE Consent Keynote Speaker Session, Student Government Association Interaction Rolling Board, One Billing Rising, Movie Screening of Audrie & Daisy, and International Denim Day.
- **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**: 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.
- **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. To reach that goal, the Green Dot Violence Prevention Strategy is designed to accomplish the following objectives: (1) Establish two cultural norms within communities; (2) Do not tolerate violence by encouraging everyone to do his/her part to maintain a safe community.

To change cultural norms, the Green Dot Violence Prevention Strategy seeks to engage most of the community in new behaviors through awareness, programming, and education. This is done as follows:

- Recognize warning signs of violence.
- Understand personal obstacles for intervention.
- Identify multiple options for intervention that are realistic and manageable.
- **Safe Colleges Training:** Required/mandatory annual online training for all faculty and staff on various topics including the employee code of conduct, sexual violence awareness, sexual harassment, and Title IX rights and protections.

Except for the programming directed at new students, adjuncts, and employees, and Safe Colleges Training for current employees, all other programming is offered to new students and employees, as well as current students and employees.

Bystander Intervention

These programs and others offered throughout the year include messaging and information regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct. 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. Bystander intervention includes recognizing situations of potential harm, and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Bystanders may be the largest group of people involved in violence (sexual, dating, and domestic). They often 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. Bystanders often know that a person's behavior is inappropriate and potentially illegal, but they do not know what they can do to make a difference. Bystanders have a choice and an opportunity to speak up and intervene, provided doing so does not endanger their lives or the lives of others. As opposed to being the bystander who stands by and does nothing, the College wants 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.
- 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.
- Voice your concerns if you are a witness to offensive, derogatory, or abusive language; do not humor sexist, racist, or homophobic jokes.

Risk Reduction

BCC programming also offers information on risk reduction that strives to empower victims and witnesses on how to recognize warning signals, options designed to decrease perpetration and bystander inaction, and

increase empowerment for victims and bystanders to promote safety and help the College community address conditions that facilitate and contribute to violence. Be aware of signs of predatory behavior, and as bystanders who have knowledge or a sense of such behavior, we can intervene in concerning situations which may reduce the risk of sexual incidents or crimes from happening. Predatory behavior can take many forms including,

- Isolating or manipulating a victim.
- Taking advantage or creating vulnerability in a victim by using drugs, alcohol, or other means.
- Invasion of personal boundaries.
- Overstepping roles or relationship dynamics and expectations.
- Excessive flattery, gift-giving, and attention to gain the trust and submission of a victim.
- Monitoring or controlling a victim's daily activities and relationships with others.
- Guilt, blaming, or shaming a victim who resists or questions such behavior.

Throughout the year, ongoing awareness and prevention campaigns are directed at students, faculty, and staff, often taking the form of campaigns, workshops, guest speakers and events. Some of this programming is delivered through live in-person events, webinars, and online on-demand training. Risk reduction program content is not presented in a way that encourages victim blaming. Training and information provided by the College on bystander intervention and risk reduction focuses on positive options and outcomes.

Avoidance Suggestions

In addition to and separate from risk reduction options, are ways to avoid or limit non-consensual sexual situations. The following suggestions may help to avoid experiencing a non-consensual sexual act or incident:

1. Know 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.
2. Communicate limits firmly and directly. If you say "NO," say it like you mean it. Avoid giving mixed messages. Back up 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.
3. 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.
4. Listen to and trust your instincts. If you feel uncomfortable or think you or someone else might be at risk, leave the situation immediately and go to a safe place.
5. 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.
6. 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.
7. If you find yourself in the position of being the initiator of sexual behavior, you owe respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:
 - a. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
 - b. Understand and respect personal boundaries.

- c. DO NOT MAKE ASSUMPTIONS: about consent; someone's sexual availability; whether they are attracted to you; 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.
- d. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading their limits. Respect the timeline for sexual behaviors with which they are comfortable.
- e. Do not take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- f. 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. Do not abuse that power.
- g. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- h. 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.
- i. Access help by contacting Public Safety personnel, local law enforcement, or by calling 911 when confronted with a suspicious or actual incident.

Procedures Victims Should Follow for an Alleged VAWA Crime

Preservation of Evidence

The preservation of evidence is extremely time sensitive and is critical to proving that the alleged criminal offense occurred, to pursuing potential criminal prosecution, and to obtaining restraining/protective orders. When an incident is reported, BCC will provide the Complainant/victim with written information about the importance of preserving evidence, by taking actions such as the following:

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 the individual to file a police report but helps preserve evidence if a police report is subsequently filed later. Local hospitals are as follows:
 - **Bergen New Bridge Medical Center:** 230 E. Ridgewood Ave., Paramus NJ, 201-967-4000
 - **Valley Hospital:** 4 Valley Health Plaza, Paramus NJ, 201-447-8000
 - **Hackensack University Medical Center:** 30 Prospect Ave., Hackensack NJ, 551-996-2000
- 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).
- Seek medical treatment which can be essential, even if it is not for the purpose of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - 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., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

How and Whom to Report an Alleged or Actual Offense/Incident

BCC strongly encourages all members of the College community, visitors, and guests to report all incidents of sex discrimination, sex-based harassment, or retaliation on a timely basis when they occur on the College's campuses or at the College's sponsored events or activities, regardless of location. This includes the sex-based crimes of domestic violence, dating violence, sexual assault, and stalking. Victims of sex-based crimes can report such incidents to the following:

- **Internal College Sources** - Campus law enforcement and other campus authorities or departments which includes the Title IX Coordinator, Public Safety Department, Human Resources Department, Office of Student Affairs, Campus Security Authorities, and Professional Counselors.
- **External Sources** - Law enforcement authorities including the Bergen County Sheriff's Office, Bergen County Prosecutor's Office, and local police departments.

The Title IX Coordinator and other members of the Title IX Team investigate and address all discrimination based on sex that are reported to them or that they are made aware of. The Title IX Coordinator works in conjunction with the Public Safety Department. Law enforcement authorities are involved if the incident is reported to them by the victim, or by the Title IX Coordinator or Public Safety Department if a sex-based crime has been committed. The College recommends that victims of discrimination based on sex, including sex-based crimes, as well as others that are involved in the incident (i.e., witnesses), initially report such incidents to the Title IX Coordinator. The Title IX Coordinator will involve other authorities as appropriate taking into consideration the victim's wishes and legal requirements.

Options About the Involvement of Law Enforcement and Campus Authorities

Members of the College community (students and employees) are provided with written information about their options if an incident occurs. This includes their choice whether to report the incident and the involvement of law enforcement authorities and campus authorities. The College community is informed that when an incident occurs, they have the following options - option to notify College authorities, option to notify law enforcement authorities, option to be assisted by College authorities in notifying law enforcement authorities if they choose to do so, and the option to decline to notify such authorities.

As stated above, reports may be made to the Public Safety Department, the Bergen County Sheriff's Office, and/or the local police, or by calling 911, especially if the incident involves a crime that has occurred or is in progress. Other sources to contact for victims of domestic violence, dating violence, sexual assault, or rape include the Bergen County local rape crisis center, the Bergen County Prosecutor's Office Sex Crimes Unit,

domestic violence organizations, or other BCC internal resources. This can be done by calling any of the following numbers:

a. BCC Public Safety Department:

- Paramus Campus (24hrs): Dial “6” or 201-447-9200
- Meadowlands Campus, Lyndhurst: 201-301-1267 – In house, ext. 9600
- Ciarco Learning Center, Hackensack: 201-301-9700

b. Bergen County Sherriff’s Office:

- At Paramus Campus: 201-689-7607
- Hackensack Headquarters Office: 201-336-3500

c. Local Police:

- Paramus Police Department: 201-262-3400
- Lyndhurst Police Department: 201-939-2900
- Hackensack Police Department: 201-646-7777

d. Emergency - 911

e. Other External Sources:

- Bergen County Rape Crisis Center Hotline (24 Hr.): 201-487-2227
- Bergen County Prosecutor’s Office Special Victim’s Unit: 201-226-5620
- Alternatives to Domestic Violence (24 Hr.): 201-336-7575

f. Other BCC Internal Sources:

- BCC Wellness Center: 201-612-5265
- BCC Health Services: 201-447-9257

Filing of a Police Report - As mentioned above, an individual can report a crime incident to the local police. This can be done by filing a police report in one of the following ways:

- **File a report in person:** This should be done at the police station nearest the site of the crime that has jurisdiction of the area where the crime occurred. In the case of BCC’s three campuses, this would be the Paramus, Lyndhurst, or Hackensack Police Departments, which are located and can be contacted as follow:
 - Paramus Police: 1 Carlough Drive, Paramus, 201-262-3400
 - Lyndhurst Police: 367 Valley Brook Ave., Lyndhurst, 201-939-2900
 - Hackensack Police: 225 State Street, Hackensack, 201-646-7777Please note the following when filing a report in person:
 - You will be asked specific questions regarding the details of what happened. Avoid speculations and stick to the facts.
 - The officer will write up the report, and you will be provided with a copy.
 - An investigation will be launched once the report is filed.
- **File a report over the phone:** This can be done if unable to do so in person. When doing so this way:
 - Make sure to identify yourself and provide your details as requested by the officer.
 - Report the incident, and like reporting in person, provide all pertinent and accurate details and facts.
 - You will be informed when you can pick up the written report. In some cases, you may be asked to visit the police department for further questioning.
- **File a report online:** This can be done as most police departments have websites where police reports can be filed. Contact the local police department that has jurisdiction over the crime incident to inquire if a report can be filed online, and if so, how. When filing a report online, please note the following:
 - Look for the link that applies to your accident and proceed with filling out the form.
 - Make sure to double-check the details you’ve provided before submitting the completed report.

- Save a copy of the submitted report and/or print it out for your records.

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

The College community is also informed that 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.

Protective orders such as restraining orders can be temporary or final in nature. Temporary orders can be granted if a judge finds it necessary to protect a person's life, health, or well-being. The temporary order is in effect and will last until a court hearing is held with both parties and to determine if a final restraining order is in order. After a hearing is held in which both parties have an opportunity to tell their sides of the story through testimony, evidence, and witnesses, a judge can grant a final restraining order. A final order has no end date and can last forever, or until one of the party's files a legal motion requesting the judge to end or modify the order and the judge agrees. Access the following link for more information:

<https://www.njcourts.gov/self-help/domestic-violence>.

The four most common types of protective orders are:

1. **Domestic Violence Protection Order** - A domestic violence protection order separates the alleged perpetrator or "restrained person" from the alleged victim or "protected person." In this protection order, the restrained person is an intimate partner, family member, or someone who lives with the protected person. A person who has physically hurt or has explicitly threatened to hurt the protected person may have a domestic violence protection order filed against them. This protection order can also apply if the restrained person is believed to have been responsible for stalking, sexual assault, or creating fear of imminent bodily harm to a family or household member.
2. **Restraining Order** - Restraining orders are a broader type of court order. As they are generally filed in an existing family law case, this order may deal with property issues, child support, spousal support, etc. In comparison to domestic violence protection orders, a restraining order keeps the restrained person from taking certain actions. Examples may include demolishing personal items in a home, damaging automobiles, or other undesired behavior/actions in a family law case.
3. **No Contact Order** - A no contact order prohibits the restrained person from having any contact with the protected person/victim. This protective order is issued after the restrained person is charged with a crime. The restrained person may be instructed to stay a minimum distance away from the victim's home, workplace, and other areas they frequent. The restrained person may also be instructed to not contact the victim through mail, phone, emails, or social media. Furthermore, the restrained person is not allowed to have indirect contact with the victim. An example may include giving a letter to a third party to hand over to the protected person.
4. **Anti-Harassment Order** - This type of order instructs the restrained person to stop harassing the protected person. The restrained person does not have to have a specific type of relationship to the victim. An anti-harassment order will include a variety of regulations to follow. In general, this protective order requires a person to stop harassing, annoying, intimidating, or threatening the victim.

If, on multiple occasions, a person has caused annoyance, fear, intimidation, or other similar emotions to someone else, that person may have an anti-harassment order filed against him/her.

Call 911 if you are in immediate danger. When filing a criminal report/complaint, in addition to requesting a restraining order, you must go to the municipal court or police department which has jurisdiction where the domestic violence occurred. **During court hours:** Go to the [Family Division Office](#) of the Superior Court in the county where you live or are staying, where the domestic violence happened, or where the other person lives. **When court is closed:** Go to the police department where you live, where the domestic violence happened or where the other person lives.

When applying for a Temporary Restraining Order (TRO):

- At the courthouse, a staff person will conduct a brief interview and complete an application with you. You will then appear before a hearing officer or judge who will determine whether to grant a TRO based upon your testimony. The other party will not be present at the hearing.
- If you apply at a police station, the police will contact a judge who will then determine whether to grant you a TRO or not.
- If the court issues a TRO, you will get a copy, and the Court will send a copy to the police to provide to the other party.
- Another hearing will be scheduled within ten days (i.e., Final Restraining Order Hearing). The other party can request an earlier court date. If that happens, you will be contacted.
- At any time, you can request to meet with a domestic violence advocate who can assist you with the court process and safety planning.

Final Restraining Order (FRO) Hearing:

- Review the [Preparing for Domestic Violence FRO Hearing](#).
- You must appear at the hearing for the FRO. The other party will be present and has the right to hire an attorney.
- You do not need an attorney, but you can hire one if you choose. The court does not provide legal representation for these cases. If you want an attorney, you can contact the Lawyer Referral Service (<https://lsnjlawhotline.org/intake/1008/language/1/lawyer-referral>) or Legal Services of New Jersey (<https://www.lsnj.org/GetLegalHelp.aspx>)
- If the other party does not appear at the hearing, and there is proof they were given the order, the judge can still hear the case.
- If the other party did not receive the Order, the Court will reschedule the hearing.
- If you and the other party appear, the Court will hear both sides and render a decision.
- In addition to protection, the Order could also address custody, child support, parenting time (visitation) and other issues.
- In New Jersey, a FRO is permanent. It continues perpetually unless changed by the court.

If an external court order of protection is obtained, please notify the Public Safety Department and the Bergen County Sheriff's Office or the College's Title IX Coordinator so that the order can be observed on campus. Contact the Department of Public Safety, the Human Resource Department, and/or the Dean of Student Life and Conduct if assistance is needed 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

can offer reasonable academic and work accommodations, transportation accommodations, escorts, no contact orders, access to counseling services, and other supportive services and resources as needed by a victim. The College complies with all court issued protective orders and considers and honors requests for College-issued protective orders.

Report or Complaint Filed

A report provides notice to BCC of an allegation or concern about sex discrimination, sex-based harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. An oral or written complaint provides notice to BCC that the Complainant (i.e. victim, witness, or another party) would like to initiate an investigation or other appropriate resolution procedures. A Complainant may initially make a report and may decide later to make a complaint. Reports or complaints of sex discrimination, sex-based harassment, and/or retaliation may be made using any of the following options:

- a) File a complaint with or give verbal notice directly to the Title IX Coordinator or Deputy Coordinator. Such a Complaint 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 any Deputy Coordinator. Please access the following link for the contact information of the Title IX Coordinator, Deputy Coordinators, and other members of the BCC Title IX Committee: <https://bergen.edu/about-us/title-ix/title-ix-committee/>. Additional Title IX information and resources can be accessed via the following link: <https://bergen.edu/about-us/title-ix/>.

- b) Submit a report at https://cm.maxient.com/reportingform.php?BergenCC&layout_id=1 Anonymous notice is accepted, but the notice may give rise to a need to try to determine the parties' identities. Anonymous notice typically limits BCC's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of an anonymous notice.

Reporting carries no obligation to initiate a Complaint, and in most situations, BCC can respect a Complainant'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 BCC may need to initiate such a process. If a Complainant does not wish to file a Complaint, BCC will maintain the privacy of information to the extent possible, as allowable by law.

Time Limits on Reporting

There is no time limitation on providing a Notice or Complaint to the Title IX Coordinator. However, if the Respondent (i.e., perpetrator) is no longer subject to BCC's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Safety Suggestions to Victims of Sex-Based Crimes

Bergen Community College encourages victims of sexual harassment, sexual misconduct, gender-based violence or the crimes of domestic violence, dating violence, sexual assault, or stalking, to be familiar with some or all these safety suggestions which may guide you after an incident has occurred:

- Go to a safe place and speak with someone trustworthy. 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.
- Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
- If you are on campus during regular business hours, you may go to the Student Health Center, Wellness Center, or the Violence Intervention Prevention (VIP) Center for support and guidance.
- For your safety and well-being, immediate medical attention is encouraged. Being examined as soon as possible, ideally within 120 hours or less, 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, as 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, 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 if possible, write notes to remind you of details, if you have time and ability to do so.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders from abuse related to the incident more difficult. If you choose not to make a complaint regarding an incident, you nevertheless should consider speaking with Public Safety personnel or other law enforcement to preserve evidence if you decide to report the incident to law enforcement or the College later. This will assist you in proving that the alleged criminal offense occurred, or which may be helpful in obtaining a protective order.
- Even after the immediate crisis has passed, consider seeking support from the College's Wellness Center or Health Services.

Confidentiality/Privacy of Victims and Other Parties

BCC 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 the safety of each individual and that of the community, whether an individual (i.e. victim or witness) involved in an incident wishes to make a formal complaint or not. When the College learns of a report or allegation of sexual harassment/sexual assault, the College will endeavor to maintain the confidentiality of the matter and of all individuals involved to the extent permitted by law. BCC will balance the needs of the individuals involved (Complainant and Respondent) including 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.

BCC makes every effort to preserve the privacy of all parties involved and/or witnesses to a sexual crime or incident. BCC will not share the identity of any individual who has made a complaint of sex discrimination, sex-

based harassment, or retaliation, which includes any Complainant (i.e., victim or witness) or any Respondent who has been reported to be the perpetrator of sex discrimination, sex-based harassment, or retaliation, except as permitted by, or to fulfill the purposes of applicable laws and regulations (e.g., Title IX, Family Educational Rights and Privacy Act) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

Such confidentiality pertains to personally identifiable information (PII) about the parties involved, and any accommodations provided to the parties involved, which includes protective or supportive services. PII is only shared with college specified individuals with a need to know who are investigating the incident, individuals who are providing services to the parties involved, or to law enforcement agencies as required by law or court decree. The College will maintain the confidentiality of protective and supportive services provided to the victim or other parties to the extent that such confidentiality will not impair the ability of the College to provide such accommodations. Confidentiality extends to all publicly available record-keeping and reporting required by the Clery Act such as this Annual Security Report document and the daily crime log, 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, in the daily crime log, in the reporting of annual crime statistics, or in the issuance of timely warnings which involve a sex crime/incident.

Written Notification to Students and Employees About Supportive / Protective Measures

BCC offers and provides a range of appropriate and reasonable supportive and protective measures to the parties upon notice of alleged sex discrimination, sex-based harassment, sexual violence and/or retaliation. Students and employees are informed via written notification of such accommodations and measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to BCC's education program or activity or provide support during BCC's resolution procedures or during the informal resolution process. This includes protective measures designed to protect the safety of all parties and/or BCC's 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 of the victim or witness to a crime incident as well as the rest of the College community. The College provides supportive and protective measures to students and employees regardless of where the incident occurred. Such measures are provided whether the incident occurred on or off any of the College's three campuses. Students and employees have a right to the supportive and protective measures offered by the College, and many options to choose and benefit from.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice/knowledge of an incident complaint. At the time that supportive measures are offered, if a complaint has not been filed, BCC will inform the Complainant, in writing, that they may file a complaint with BCC either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

BCC will maintain the confidentiality of the supportive measures if confidentiality does not impair BCC's ability to provide those supportive measures. BCC will act to ensure as minimal an academic/occupational impact on the parties as possible. BCC will implement measures in a way that does not unreasonably burden any party and cannot be imposed for punitive or disciplinary reasons. Such accommodations/measures are made

available by the College to the parties involved in a sex crime or incident whether specifically requested by the parties or not, and if they are reasonably available and do not pose an undue hardship on the College. Such accommodations are provided regardless of whether the victim chooses to report the crime to the Title IX Coordinator, Public Safety, the Bergen County Sheriff's Office, or local law enforcement. 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 to the Respondent during the resolution/disciplinary process.

The range of supportive and protective measures include the following:

- Referral to counseling, medical, mental health, and/or other healthcare services.
- Referral to the Employee Assistance Program
- Referral to community-based service providers including victim advocacy groups.
- Legal assistance
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders.
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.
- Any other actions deemed appropriate by the Title IX Coordinator.
- Restrictions on contact applied to one or more parties.

The Title IX Coordinator should also be contacted to request any supportive accommodations and measures, including any requested changes to academic, transportation, or working arrangements, and/or any requests for protective measures (e.g., no-contact orders levied by the College or adhered to by court order). Since all three BCC locations do not have residential halls, campus housing, or residential facilities, requested changes to living arrangements are not applicable. However, the College will assist students and employees in addressing any concerns they have in their personal off-campus housing/living arrangements.

Information on Registered Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act of 2002, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act, and the Family Educational Rights and Privacy Act of 1974, the link to the New Jersey State Sex Offender Registry is provided below. 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. The website is as follows: <https://www.nj.gov/njsp/sex-offender-registry/index.shtml>

In addition to the 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 College community and may be considered by the College for enrollment and discipline purposes.

Procedures the College Follows if a VAWA Crime is Reported

Incidents of domestic violence, dating violence, sexual assault, and stalking are addressed and supported by the Violence Against Women Act (VAWA) of 1994. Such incidents, often referred to as VAWA crimes, are considered sex-based harassment, which is a form of discrimination based on sex. On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the VAWA of 1994. Included within the reauthorized Act were amendments to the Clery Act that afford additional rights to campus victims of domestic violence, dating violence, sexual assault, and stalking. The Clery Act requires institutions of higher education (IHEs) to have policies and procedures, awareness and prevention programming, and investigative and resolution proceedings that address such sex-based harassment. IHEs must also include such crimes in the crime statistics that are reported in their Annual Security Report.

Title IX is a federal civil rights law that was enacted as part of the Education Amendments of 1972, which prohibits discrimination based on sex in any education programs or activities that receive federal financial assistance. The procedures followed if an alleged or actual crime or incident of domestic violence, dating violence, sexual assault or stalking is reported are guided by Title IX requirements and documented in the College's Title IX Policy. The following Title IX terms are referenced in this section which are defined here:

- **Complaint/Notice** - An oral or written request to the College that can objectively be understood as a request to investigate and determine if an alleged crime or incident has occurred and any resulting sanctions.
- **Complainant** - A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment, or retaliation under the Title IX Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment, retaliation, or other prohibited conduct under the Policy and who was participating or attempting to participate in BCC's education program or activity at the time of the alleged sex discrimination, sex-based harassment, retaliation, or other prohibited conduct (also referred to as the victim).
- **Respondent** - A person who is alleged to have engaged in conduct that could constitute sex discrimination, sex-based harassment, or retaliation for engaging in a protected activity, or other prohibited conduct (also referred to as the perpetrator).
- **Parties** - The Complainant(s) and Respondent(s), collectively for purposes of the Title IX Policy.
- **Witness** - a person who sees a crime incident.
- **Education Program or Activity** - any location, event, or circumstance over which the College exercises substantial control over both the Respondent and the context in which the alleged Sexual Harassment/Sexual Assault occurs. This includes all the College's education programs or activities, whether occurring on or off-campus, and any building owned or controlled by the College.
- **Title IX Coordinator** - Official designated by the College to ensure ultimate oversight of compliance with Title IX and BCC's Title IX program. References to the Title IX Coordinator throughout may also encompass his/her designee for specific tasks.

- **Title IX Deputy Coordinator** – Person(s) who assist the Title IX Coordinator with coordinating and carrying out the various aspects and requirements of the College’s Title IX program and policy.
- **Investigator** - The person(s) authorized by the College to gather facts about an alleged violation, assess relevance and credibility, synthesize the evidence, and compile the information into an investigation report (i.e., summary of all relevant evidence gathered during the investigation).
- **Decision Maker** - The person or panel who reviews the evidence, determines relevance, and makes the final determination of whether the incident has occurred, and Policy has been violated and/or assigns sanctions.
- **Appeal Decision Maker** - The person or panel who accepts or rejects a submitted appeal request by the Complainant or Respondent, determines whether any of the appeals grounds are met, and directs responsive action(s) accordingly. (Note – The Appeal Decision Maker is usually a different person or panel from the Decision Maker)
- **Title IX Team** – The Title IX Coordinator, Deputy Coordinator(s), and Investigator(s). May also include any members of the Resolution Process Pool. (Note - BCC uses the term Title IX Committee)
- **Advisor** – Any person chosen by a party (i.e., Complainant or Respondent), or appointed by the College, who may accompany the party to all meetings related to the Resolution Process and advise the party on the process.
- **Resolution Process Pool** – Pool of administrators who carry out the Resolution Process, who are trained annually and perform the following functions or serve in the following roles at the discretion of the Title IX Coordinator: Intake of and initial guidance pertaining to Complaints, perform or assist with initial evaluation, Advisor to the Parties, Informal Resolution Facilitator, Investigator, Hearing Facilitator, Decision-Maker, and Appeal Decision-Maker.
- **Resolution Process** – The investigation and resolution of allegations of prohibited conduct under the College’s Title IX Policy, including Informal Resolution or Hearing Resolution proceeding.
- **Confidential Employee** – an employee who meets any of the following criteria:
 - An employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom BCC has designated as confidential for the purpose of providing services to persons related to sex discrimination, sex-based harassment, retaliation, or other prohibited conduct. If the employee also has a duty not associated with providing those services, the employee’s confidential status only applies with respect to information received about sex discrimination, sex-based harassment, retaliation, or other prohibited conduct in connection with providing those services; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct. The employee’s confidential status only applies with respect to information received while conducting the study.
- **Mandated Reporter** - An employee who is obligated by Policy to share Knowledge, Notice, and/or reports of sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct (he/she is aware of) with the Title IX Coordinator.
- **Standard of Evidence** - A finding based on the preponderance of the evidence standard. In other words, a finding will be made if the evidence in full shows that it is more likely than not that a violation

of the sexual harassment/sexual assault policy occurred. There is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Resolution Process, or the Respondent admits responsibility.

Roles of the Title IX Coordinator, Deputy Coordinators, and Investigators

The Title IX Coordinator is responsible for ensuring compliance with existing and new Title IX requirements and related federal regulations/laws. Additional responsibilities of the Title IX Coordinator include developing and ensuring compliance with related College policies and procedures. The Title IX Coordinator is also responsible for monitoring BCC's education programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination, sex-based harassment, and retaliation, and take the necessary steps reasonably determined to address and eliminate such barriers.

The Title IX Coordinator and Deputy Coordinators are charged with coordinating the College's response to reports of misconduct under Title IX Policy. The Title IX Coordinator and Deputy Coordinators are not advocates for either the Complainant or the Respondent. The Title IX Coordinator or Deputy Coordinators will explain to both parties the informal and formal resolution processes and the provisions for confidentiality. Where appropriate, the Title IX Coordinator or Deputy Coordinators will provide to both parties' supportive measures 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. Title IX Investigators are responsible for gathering evidence to determine if the alleged misconduct or violence incident meets Title IX standards, and to provide the Title IX Coordinator with evidence with which to base the written documentation of responsibility at the conclusion of the resolution process.

Collectively, these individuals are responsible for providing comprehensive sex discrimination education and training; coordinating BCC's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct; coordinating and overseeing BCC's compliance with Title IX regulations; and monitoring the effectiveness of the College's Title IX Policy and related procedures, to ensure an education and employment environment free from sex discrimination, sex-based harassment, sexual violence, and retaliation.

For the contact information of the College's Title IX Coordinator, Deputy Coordinators, and Investigators, please access the following link: <https://bergen.edu/about-us/title-ix/title-ix-committee/>.

Procedures for College Disciplinary Action Proceedings

BCC will take prompt and effective action of any notice, complaint, or knowledge of a potential or actual incident, which may include an investigation of the incident, and a resolution proceedings process. The College considers the safety and security of the College community to be one of its primary and most important goals, in addition to providing accessible and transformative programs and services. The College therefore takes any alleged or actual incident with the utmost seriousness and sense of urgency. Students and employees are informed in writing of the details of the investigation and resolution proceedings process that takes place when the College is made aware of any violation of student or employee conduct policies; any criminal offenses committed; any arrests and referrals for disciplinary action; any hate crimes committed; any sex-based crimes of domestic violence, dating violence, sexual assault, or stalking; or any other discrimination based on sex.

The investigation and resolution processes and procedures discussed immediately below pertain to discrimination based on sex, including sex discrimination and the sex-based crimes of domestic violence, dating violence, sexual assault, and stalking.

Written Explanation of Student/Employee Rights and Options When Incident Reported

When an incident of domestic violence, dating violence, sexual assault or stalking has been reported, and prior to an investigation, the Title IX Coordinator will provide the parties with a detailed written Notice of Investigation and Allegations (NOIA). Such information is provided to the Complainant/victim, next of kin if the victim is deceased, and Respondent/perpetrator of the incident. The NOIA 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. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated. Such investigations involve ascertaining climate/culture perceptions and identifying and summarizing the strengths, weaknesses, and issues of an organization or department within an organization. This may be conducted for instance on a department that is known for or has reported misconduct, inappropriate behavior, or a toxic work environment.

The NOIA typically includes:

- A meaningful summary of all allegations.
- The identities of the involved Parties (if known).
- The precise misconduct being alleged.
- The date and location of the alleged incident(s) (if known).
- The specific policies/offenses implicated.
- A description of, link to, or copy of the College's applicable investigative and resolution procedures.
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a written report summarizing the evidence.
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process.
- A statement that BCC presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination.
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence.
- A statement that retaliation is prohibited.
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share BCC work product obtained through the Resolution Process.
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process.
- A statement informing the Parties that BCC's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process.
- Details on how a party may request disability accommodations or other support assistance during the Resolution Process.

- The supportive services that are available to the parties.
- A link to BCC's VAWA Brochure.
- An instruction to preserve any evidence that is directly related to the allegations.
- A statement that Parties who are members of a union are entitled to union representation throughout the process.
- Permitting but not requiring BCC to allow expert witnesses, provided the determination applies equally to both parties.
- Reasonable extension of timeframes on a case-by case basis for good cause with written notice to the parties, including reason for the delay.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official BCC records, or emailed to the Parties' BCC-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Investigations

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary. Investigations are primarily performed as part of a Formal Resolution Process (i.e. Hearing Resolution) versus when an Informal Resolution Process is used. However, if subsequent facts of an incident to be resolved using an Informal Resolution Process are presented that yield concerning issues, then an investigation may be performed to gain greater details and understanding of the incident. This may result in a Formal/Hearing Resolution Process to be utilized instead. The Informal Resolution Process and the Formal/Hearing Resolution Process are discussed in greater detail below.

After an interview, parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the parties or witnesses do not respond within the time designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted. BCC may consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the parties.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations.
- Commence a prompt, thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.

- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

Resolution Process

The resolution process, consisting of Informal Resolution or Hearing Resolution, is BCC's chosen approach to addressing incidents of sex discrimination, sex-based harassment, retaliation, and other prohibited conduct. There are many factors that the Title IX Coordinator considers when determining if an Informal Resolution or Hearing Resolution is required, as well as the type of Informal Resolution used or the way the Hearing Resolution is conducted, as discussed below. Factors that the Title IX Coordinator will consider when deciding on what type of resolution process to use, includes but is not limited to, the seriousness of the incident, the amount of evidence presented, and the degree of confidentiality sought. The process also considers the parties' preferences but is ultimately determined at the Title IX Coordinator's discretion. Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with BCC Policy.

Informal Resolution

Informal Resolution focuses on stopping discriminatory, harassing, or other behavior without a formal investigation and hearing process. To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the parties, in writing. BCC will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. BCC may also offer Informal Resolution upon receipt of a sex discrimination complaint or when it has information about conduct that reasonably may constitute sex discrimination, regardless of whether a complaint is initiated or not.

BCC offers four categories of Informal Resolution:

1. **Supportive Resolution** - When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
2. **Educational Conversation** - When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
3. **Accepted Responsibility** - When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and BCC are agreeable to the resolution terms.
4. **Alternative Resolution** - When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.).

Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Hearing Resolution Process. If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Informal Resolution Category Details:

1) Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to BCC's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

2) Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter if it takes place. Considering this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure

that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with College Policy.

3) Accepted Responsibility

The Respondent may accept responsibility for any or all the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all parties and BCC are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of BCC Policy, implements agreed-upon restrictions, remedies, and sanctions, and determines the appropriate responses. This resolution is not subject to appeal once all parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the College community.

4) Alternative Resolution

The College offers a variety of alternative resolution options to best meet the specific needs of the parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate BCC officials; and other forms of resolution that can be tailored to the needs of the parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All parties must consent to the use of an alternative resolution approach, and the parties may, but are not required to have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate.
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties

- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, BCC will initiate or continue an investigation and subsequent Resolution Process to determine whether College Policy has been violated.

Hearing Resolution

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings** - The live hearing may occur in person or via video technology. The Decision-maker and parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.
 - The parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least three (3) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
 - No unauthorized recordings are permitted.
- **Scheduling** - Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Title IX Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet BCC's resolution timeline and ensure a prompt resolution. Employees, including parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.
- **Hearing Participants** - Persons who may be present for a hearing include the Decision-maker, hearing facilitator, Investigator(s), the parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.

- **Advisors** - The parties may have the assistance of an Advisor of their choosing at the hearing or can request that BCC appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - During the pre-hearing meeting and live hearing, parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the pre-hearing meeting or live hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.
 - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.
 - All questions during the hearing will be asked by the Decision-maker. Parties and Advisors may suggest questions to be posed by the Decision-maker during the pre-hearing meetings or by submission of written questions in advance of the hearing. The method of submitting suggested follow up questions to the Decision-maker during the hearing will be specified by the Decision-maker.
- **Impact Statements** - Each party may submit an impact/mitigation statement to the Title IX Coordinator that the Decision-maker will review during any sanction determination. An impact/mitigation statement is a mechanism for parties to share more holistic information about themselves, the impact the reported misconduct and/or resolution process has had on them, and any information related to sanctioning including the impact a particular sanction may have. The Title IX Coordinator will take this information into consideration.
 - Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the parties.
- **Disability Accommodations and Other Assistance** - Parties should contact the Title IX Coordinator at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
- **Conflicts of Interest or Bias** - The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular.
 - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
 - If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
 - The parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing notice.
 - The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
 - If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the parties accordingly.
- **Evidence Provided to Decision-maker and Parties** -
 - The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all parties, witnesses, and Advisors, at least seven (7) business days in advance of the hearing.

- The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice unless those materials have already been provided.

Resolution Timeline

BCC will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors. If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, BCC reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive parties retain the rights outlined in the Title IX Policy and the opportunity to participate in the Resolution Process.

BCC may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. BCC will promptly resume its Resolution Process as soon as feasible. During such a delay, BCC will implement and maintain supportive measures for the Parties as deemed appropriate.

BCC action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. BCC will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the parties to update them on the progress and timing of the process.

Filing of a Disciplinary Complaint

There are many internal College and external resources with whom a complaint can be reported to and many ways in which to file a complaint of an alleged or actual crime/incident. These resources will either take the appropriate steps and actions to address the incident or will refer the matter to the resource(s) that are in a better position to do so. Victims or witnesses of a crime/incident should take into consideration the type of alleged or actual crime/incident to determine the appropriate resource to contact. All discrimination based on sex which includes sex discrimination, sexual harassment, sexual violence, gender-based harassment, sexual exploitation, and sexual intimidation are addressed in Title IX federal law regulations. Sexual violence includes domestic violence, dating violence, sexual assault (i.e. rape, fondling, incest, and statutory rape) and stalking. Title IX protects students and employees in educational settings from acts of discrimination based on sex. Such discrimination should be reported to the Title IX Coordinator, who is responsible for and in the best position to address such incidents. The Title IX Coordinator will contact the Public Safety department of the alleged or actual crime or incident. The Public Safety Department will notify the appropriate law enforcement agency of any alleged or actual sexual violence crimes as required by law. These crimes or incidents however can instead be reported to the Public Safety Department, or other internal resources such as the Human Resources Department, Campus Security Authorities, the Wellness Center, Health Services, Office of Student Affairs,

Student Life & Conduct, or the Counseling Center. These other resources will assist the victim or witness and inform the Title IX Coordinator. Crimes of sexual violence can also be reported to external resources such as the Bergen County Sheriff's Office, Bergen County Prosecutor's Office, the local police department that has jurisdiction over the crime, or agencies such as the Bergen County Rape Crisis Center.

Sexual violence crimes are also addressed by the Clery Act and must be included in the crime statistics reported in the College's ASR. Victims or witnesses of all other crimes/incidents which are addressed in the Clery Act should report them to the Public Safety Department, who is in the best position to address such matters, which includes contacting and dealing with the appropriate law enforcement authorities that involve any crimes. Other crimes/incidents include the following:

- Criminal Offenses – murder and non-negligent manslaughter, manslaughter by negligence, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- Hate Crimes – any of the above-mentioned criminal offenses, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, in which any of these criminal acts against a victim is because of the perpetrator's bias against the actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability of the victim. The victim can be an individual or group of individuals.
- Arrests and Referrals for Disciplinary Action – weapons law violations, drug abuse violations, and liquor law violations.

Such crimes/incidents however can also be reported to the other internal College and external resources mentioned above. The other internal College resources will assist the victim or witness and will inform the Public Safety Department of the crime/incident. **Appendix 1** provides a summary of all crimes/incidents including whether they are covered under the Clery Act and/or Title IX, and the internal College resource that BCC recommends should initially be contacted by the victim or witness to an alleged or actual crime or incident. Reporting an alleged or actual crime/incident to the internal College resource that BCC recommends should initially be contacted will ensure that it is addressed in a prompt and effective manner, may help to identify specific crime patterns or behaviors, and will be accurately reported in the College's annual crime statistics. However, the most important point to remember is that if you are a victim or witness to a crime/incident, you should report it as soon as possible to an internal College or external resource. Crime statistics are reported for the three most recently completed calendar years later in this Annual Security Report.

Retaliation

The College prohibits retaliation of any kind against individuals who, in good faith, assert their rights to bring a complaint of discrimination or harassment based on sex or other crime incidents, participate in a discrimination or harassment investigation, or protest the alleged discrimination, harassment, or retaliation. Retaliation refers to any act of intimidation against an individual who, in good faith, asserts their right to bring a complaint. 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 constitutes an offense separate from the original complaint of discrimination or harassment 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 Title IX Coordinator, Office of Student Affairs, or Human Resources Department.

Material Misstatement of Fact

Knowingly making a material misstatement of fact when bringing a complaint may subject the complainant to discipline. Anyone who believes that they have been the subject of a false or misleading complaint may meet with the Title IX Coordinator, Office of Student Affairs, or Human Resources Department 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. Several factors are considered when determining if a complaint filed is false, misleading, or contained a material misstatement. This includes inconsistencies in what was reported, and facts provided by the Complainant, lack of any evidence or evidence which materially contradicts the complaint, witnesses or information that substantiate the Complainant's bias or prejudice against the Respondent, and history of the Complainant and Respondent.

Standard of Evidence

BCC uses the preponderance of the evidence standard of proof when determining whether an incident and policy violation occurred. This means that BCC will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Title IX Policy violation(s).

Sanctions Imposed

Sanction Ranges

The following broad sanction ranges apply to incidents of domestic and dating violence; sexual assault which includes rape, fondling, incest, and statutory rape; and stalking. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record:

- **Dating/Domestic Violence:** Probation through expulsion or termination.
- **Sexual Assault:**
 - Rape: Suspension through expulsion or termination.
 - Fondling: Warning through suspension (termination for employees).
 - Incest: Warning through probation.
 - Statutory Rape: Warning through suspension (termination for employees).
- **Stalking:** Probation through expulsion or termination.

Factors in Sanction Determination

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s).
- The Respondent's disciplinary history.
- The need for sanctions/responsive actions to bring an end to the sex discrimination, sex-based harassment, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination, sex-based harassment, and/or retaliation.

- The need to remedy the effects of the sex discrimination, sex-based harassment, and/or retaliation on the Complainant and the community.
- The impact on the Parties.
- The Respondent’s acceptance of responsibility.
- Any other information deemed relevant by the Decision-maker(s).

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, or without an appeal being requested. The sanctions described are not exclusive of, and may be in addition to other actions taken, or sanctions imposed by external authorities.

Student Sanctions

The following are the common sanctions that may be imposed upon students individually or in combination:

- **Written Warning** - An official written notice that the student has violated Bergen Community College policies and/or rules and that more severe sanctions will result should the student be involved in other violations while enrolled at the College.
- **Restitution** - Compensation for damage caused to Bergen Community College or any person’s property. This could also include the payment of labor costs and expenses when a student fails to return a reserved space (classroom, conference room) to its proper condition. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- **Community Service** - Service assignment requiring an individual to perform services for the community or the College.
- **Loss of Privileges** - The student may be denied specific privileges for a designated period.
- **Confiscation of Prohibited Property** - Items whose presence is in violation of Bergen Community College policy/code will be confiscated and become the property of the College. Prohibited items may be returned to the owner at the discretion of the Director of Student Life and Development and/or Public Safety.
- **Behavioral Requirement** - The student may be required to seek academic counseling, personal counseling, substance abuse screening, write a letter of apology, or other actions.
- **Educational Program or Assignment** - Requirement to attend, present, and/or participate in a program or write a research/reflection paper related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- **Probation** - The student may be put on official notice that, should further violations of the BCC policies/codes occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- **Eligibility Restriction** - The student is deemed “not in good standing” with Bergen Community College for a specified period. Specific limitations or exceptions may be granted by the Director of Student Life and Development, or designee, such as:
 - Ineligibility to hold any leadership role in any student organization recognized by Bergen Community College or hold an elected or appointed office at the College.
 - Ineligibility to represent Bergen Community College to anyone outside the College community in any way, including participating in the study abroad program, attending conferences, or representing BCC at an official function, event, or intercollegiate competition as a player, manager, or student coach.
 - Ineligibility for membership in student organizations and/or participation in activities.

- **Revocation of Driving and Parking Privileges on Campus** - Evidence of reckless or repeated violations of traffic safety or parking regulations on the College's premises may lead to a revocation of driving and parking privileges on campus.
- **Removal from Class** - A student who is disruptive to the learning environment may be removed or withdrawn from a class or transferred to another section of the course.
- **Suspension** - A student may be separated from Bergen Community College for a specified minimum period, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from Bergen Community College property, functions, events, and activities without prior written approval from the Director of Student Life and Development, or designee. This sanction may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Suspension on the student's official academic record. The suspension assigned shall be clearly dated for a period not less than one semester and not more than two academic years.
- **Facilities Restriction** - Revocation or restriction of privileges for the use of some but not all College facilities.
- **Expulsion** - A student may be permanently separated from Bergen Community College, with the student being banned from the College's property and the student's presence at any BCC-sponsored activity or event prohibited. Bergen Community College will contact local law enforcement to report a person who has been expelled for trespassing if they are found on College property. This sanction will be noted as a Conduct Expulsion on the student's official academic record.
- **Referral to civil or criminal authorities** - Notice to a civil authority or criminal/prosecutorial body recommending civil or criminal investigation and prosecution of an individual(s) for incidents that fall within that body's jurisdiction.
- **Campus-Wide Notice of No Trespass** - Legal notification that informs a student that he/she is not allowed to enter or be on College property for a specified period.
- **Other Educational Sanction** - Educational sanctions are meant to help students learn from their experiences. 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).

Employee Sanctions & Responsive/Corrective Actions

Responsive actions for employees who engage in sex discrimination, sex-based harassment, and/or retaliation include, but are not limited to, verbal or written warning, required counseling, training, demotion, reassignment, suspension, or termination. The type, extent, and length of the sanction(s) imposed is/are based on the factors mentioned earlier that the Decision-maker may consider when determining sanctions.

Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the BCC community that are intended to stop the sex discrimination, sex-based harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found. When no Policy violation is found, the Title IX Coordinator will address any remedies BCC owes the Respondent to ensure no effective denial of educational access.

BCC will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair BCC's ability to provide these services, and provided it does not conflict with federal or state laws and requirements.

Prompt, Fair, and Impartial Proceedings Process

To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the College's education program or activity, BCC has developed policies and procedures that prohibit discrimination based on sex, which includes domestic violence, dating violence, sexual assault, and stalking. This includes providing for a prompt, fair, and impartial resolution process for allegations of such incidents. The resolution process includes the investigation of allegations of such sex-based crimes/incidents and resolution proceedings which either involve an informal resolution or hearing resolution proceeding. BCC's resolution process is consistently applied when an incident is reported, is transparent to the parties involved, and adheres to Title IX policies and procedures.

The Title IX Coordinator, Deputy Coordinators, Investigators, and other Title IX Team members act with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under the College's Title IX Policy and procedures. The members of the Resolution Process Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally. Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Deputy Coordinator(s), Investigator(s), and Decision-maker(s) may not have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-Maker(s), and Appeal Decision-Maker(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the College President or President's designee.

The Hearing Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation or evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes the evidence.

The Title IX Coordinator will send the parties a notice of the initial hearing with sufficient time for the parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The initial hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the parties, and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

The Title IX Coordinator will also send the parties notices of all subsequent meetings with sufficient time to prepare for such meetings or request another meeting date due to a scheduling conflict or issue.

Annual Training of Officials

Individuals involved in the resolution process receive annual training on a variety of skills and topics related to incidents of discrimination based on sex, including the crimes of domestic violence, dating violence, sexual assault, and stalking; investigation methods, procedures, and considerations; resolution proceeding methods and procedures; how to serve impartially including the avoidance of prejudgment of the facts, conflicts of interest, and bias; investigation report and resolution report writing requirements and skills, determination of sanctions to be levied; and the appeal process.

Advisors or Others Present During Disciplinary Proceeding

Who Can Serve as an Advisor

The parties to an alleged incident may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The parties may select whomever they wish to serve as their Advisor provided the Advisor is eligible and available. This means that a party cannot insist on an Advisor who simply does not have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as being the Title IX Coordinator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness to the alleged incident can anticipate that issues of potential bias will be explored by the Decision-maker(s).

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the parties choose an Advisor from the pool available from BCC, BCC will have trained the Advisor and familiarized them with BCC's Resolution Process. Advisors appointed by the College cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to College officials or Decision-makers, absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

As a public institution, BCC fully respects and accords the Weingarten rights of employees, meaning that for Parties who are entitled to union representation, BCC will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses to an incident are permitted to have union representation or Advisors in Resolution Process interviews or meetings.

Advisor's Role in the Resolution Process

Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so and may not disrupt the proceedings.

The Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For Advisors who are not familiar with the Title IX policies and procedures, BCC will inform them of their role which includes what they can and cannot do. Repeated disruptions and/or lack of regard exhibited by the Advisor of the Resolution Process may be grounds for dismissal of the Advisor.

The College can establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures if the restrictions apply equally to the parties. Each party's Advisor may be allowed to ask questions or cross-examine any party or witness, subject to the relevancy and permissibility of such questions as determined by the Decision-Maker. Such questioning must never be conducted by a party to the incident personally. If the College permits advisor-conducted questioning and a party does not have an Advisor to ask questions on their behalf, the College must provide the party with an Advisor of the College's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the College must not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an Advisor.

Records Shared with Advisors and Advisor Expectations

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes the evidence. Advisors are expected to maintain the confidentiality of the records BCC shares with them. Advisors will be asked to sign Non-Disclosure Agreements (NDAs). BCC may decline to share materials with any Advisor who has not executed the NDA. BCC may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by BCC's confidentiality expectations.

BCC generally expects an Advisor to adjust their schedule to allow them to attend BCC meetings, interviews, and hearings when planned. BCC may also make reasonable provisions to allow an Advisor who cannot be

present in person to attend a meeting, interview, or hearing by telephone, video conferencing, or other similar technology.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the College, who shares information or evidence in a manner inconsistent with the College's policies, or who refuses to comply with BCC's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview, or hearing may be ended, or other appropriate measures implemented, which includes requiring the party to use a different Advisor or providing a different BCC-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Notification of Proceeding Results, Appeal Procedures, Changes to, and Final Results

Proceeding Results

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator will provide the parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that BCC is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent BCC is permitted to share under federal or state law. The notification will also detail the parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, any changes to the results, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the parties' local or permanent address as indicated in official BCC records, or emailed to the parties' BCC-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

The confidentiality of all aspects of an alleged sexual violence crime/incident are maintained by the College, including the results of the disciplinary resolution proceedings. However, upon request, the College will disclose the results of such proceedings against the perpetrator of the alleged crime/incident to the victim, or next of kin, if the victim is deceased, provided such disclosure is allowed and does not conflict with federal or state laws and regulations.

Appeal of Resolution Proceeding Results

If the Claimant or Respondent appeals the results of a resolution proceeding, the Title IX Coordinator will designate an Appeal Decision-maker, which is either a three-member panel, or an individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure, challenge, or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome.
- 4) The sanctions fall outside the range of sanctions designated for the offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the appeal grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds for appeal, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale. If any of the information in the Request for Appeal meets the grounds for appeal, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds for appeal and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds. The subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s). The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded/returned (or partially remanded/returned) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which BCC is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent BCC is permitted to share under federal or state law. Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official College records, or emailed to the Parties’ BCC-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered. Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding, or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures. If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the four (4) available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed because of the resolution proceeding determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made. If any of the sanctions are to be implemented immediately post-determination, but

pre-appeal, then the emergency removal procedures for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

Records Retention

Records of all complaints, resolutions, and hearings will be maintained by the Title IX Coordinator for a maximum of seven (7) years. The College will maintain the following records:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript.
- Any remedies including supportive and preventative measures provided to the Complainant and Respondent designed to restore or preserve equal access to the College’s education programs and activities.
- Any informal or formal resolution and the result therefrom.
- Any appeal and the result therefrom.
- Any disciplinary sanctions imposed on the Respondent.
- All materials used to train the Title IX Coordinator, Deputy Coordinators, Investigators, and other Resolution Pool members.

Summary of the College’s Responsibilities

Summarized below are the key responsibilities the College has when alleged or actual incidents of discrimination based on sex are reported and/or become known, including the related impact and rights of Complainants and Respondents. Complainants are usually the victim to such incidents but can be a witness or another individual who is aware of the incident. Respondents are individuals who have been reported to be the perpetrators of alleged or actual incidents. Reference to "parties" is referring to the Complainant and Respondent of an incident. A formal complaint is filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school investigate the allegation of sexual harassment. The College’s education program or activity refers to all the operations of the institution. Regarding misconduct resulting from discrimination based on sex, the Clery Act and the Annual Security Report focuses on sexual violence, which includes domestic violence, dating violence, sexual assault (i.e., rape, fondling, incest, and statutory rape), and stalking. The College follows the requirements of Title IX regulations and the Clery Act with regards to sexual violence incidents of domestic violence, dating violence, sexual assault, and stalking.

- **When Sexual Harassment Occurs in the College’s Education Program or Activity**
 - The College must respond when sexual harassment occurs in its education program or activity, against a person in the United States
 - Applies to all the College’s education programs or activities, whether such programs or activities occur on-campus or off-campus. The College may address sexual harassment affecting its students or employees that falls outside its jurisdiction in any manner it chooses, including providing supportive measures or pursuing discipline.
- **Accessible Reporting to Title IX Coordinator**
 - The College must ensure its educational community knows how to report an incident to the Title IX Coordinator.

- The College must prominently display on its website the required contact information for the Title IX Coordinator.
 - Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
 - Reports may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address listed for the Title IX Coordinator.
- **The College's Mandatory Response Obligations**
 - The College must respond promptly to sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable considering the known circumstances.
 - The College must offer supportive measures to the person alleged to be the victim/Complainant.
 - The Title IX Coordinator must promptly contact the Complainant confidentially to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. Respondents are also offered supportive measures. Supportive measures are individualized services reasonably available without fee or charge that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. They are provided before or after the filing of a formal complaint, or when no complaint is filed.
 - The College must follow a resolution/grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a Respondent.
 - The College must not restrict the rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX regulations.
 - The College is required to investigate sexual harassment allegations in any formal complaint, which can be filed by a Complainant, or signed by a Title IX Coordinator.
 - A Complainant's wishes with respect to whether the College investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the Complainant is not clearly unreasonable considering the known circumstances and is for the protection of the Complainant or the greater College community.
 - If the allegations in a formal complaint do not meet the definition of sexual harassment for Title IX purposes or did not occur in the College's education program or activity, the College must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under its own Code of Conduct.
 - At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.
 - A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, or by any additional method designated by the school.

- **Resolution (Grievance) Process General Requirements**

- The College is required to have a consistent, transparent resolution process for resolving formal complaints of sexual harassment.
- Complainants are treated equitably by providing remedies any time a Respondent is found responsible, and Respondents are treated equitably by not imposing disciplinary sanctions without following the resolution process.
- Remedies are required to be provided to a Complainant when a Respondent is found responsible, which must be designed to maintain the Complainant's equal access to the College's education programs or activities and may include the same individualized services as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- Objective evaluation is required of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- Title IX personnel (i.e., Title IX Coordinator, Deputy Coordinators, Investigators, decision-makers, and people who facilitate any informal resolution process) are required to be free from conflicts of interest or bias for or against Complainants or Respondents.
- The College must ensure that Decision-makers receive training on any technology to be used at a live hearing.
- The College's Decision-makers and Investigators must receive training on all issues of relevance.
- The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the resolution process.
- Reasonably prompt time frames are included for conclusion in the resolution process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.
- The range, or list of possible remedies a school may provide a Complainant and disciplinary sanctions a school might impose on a Respondent, following determinations of responsibility must be described.
- The College must state whether it has chosen to use the preponderance of the evidence standard, or the clear and convincing evidence standard, for all formal complaints of sexual harassment. The College uses the preponderance of the evidence standard.
- The College must describe its appeal procedures, and the range of supportive measures available to Complainants and Respondents.
- The College's resolution process must not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices (other than those required by Title IX regulations) that the College adopts as part of its resolution process for handling formal complaints of sexual harassment, must apply equally to both parties (i.e., Complainant and Respondent).
- The College must keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

- **Investigations**

- The College must investigate the allegations in any formal complaint and send written notice to the parties of the allegations upon receipt of a formal complaint. The College must address allegations of sex-based incidents that impact its education programs or activities, regardless of where the

incident/conduct occurs, even if some of the alleged conduct occurred outside of the educational program or activity or outside of the United States. However, schools are not required to investigate conduct that occurred solely outside their educational programs or activities, or outside the United States. Under Title IX, "outside a school's education program or activity" means conduct that occurs outside of the educational programs or activities that a school offers, whether on or off campus.

- The College must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
- The College must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
- The parties must have the same opportunity to select an Advisor of the party's choice who may be, but need not be, an attorney.
- The College must send written notice to the parties of any investigative interviews, meetings, or hearings.
- The College must send the parties, and their Advisors, evidence directly related to the allegations, in electronic format or hard copy, with sufficient time for the parties to inspect, review, and respond to the evidence.
- The College must send the parties, and their Advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with sufficient time for the parties to respond.
- The College may, in its discretion, dismiss a formal complaint or allegation if the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal complaint or allegations therein, if the Respondent is no longer enrolled or employed by the College, if specific circumstances prevent the College from gathering sufficient evidence to reach a determination, if the College determines that the alleged conduct even if true is not a Title IX violation, if the alleged conduct did not occur in full or in part of the College's educational program or activity, or if the alleged conduct did not involve actions against someone physically located in the United States. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- The College must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- The College may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
- The privacy of a party's medical, psychological, and similar treatment records is protected as the College cannot access or use such records unless it obtains the party's voluntary, written consent to do so.

- **Hearings**

- The College's resolution process must provide for a live hearing. At the live hearing, the decision-maker(s) may permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Any cross-examination at the live hearing may be conducted directly, orally, and in real time by the party's Advisor of choice and never by the party to the incident personally.
- At the request of either party, the College must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other if requested.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-

maker must first determine whether the question is relevant and explain to the party's Advisor the reason(s) of any decision to exclude a question(s) as not relevant.

- If a party does not have an Advisor present at the live hearing, the College must provide, without fee or charge to the party, an Advisor of the College's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
 - If a party or witness does not submit/agree to cross-examination at the live hearing, the Decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.
 - Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
 - The College must create an audio or audiovisual recording, or transcript, of any live hearing.
 - Complainants are provided with "rape shield" protections which deem irrelevant any questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.
- **Standards of Evidence & Written Determination**
 - The College's resolution process is required to state whether the standard of evidence to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, which is applied/used for all formal complaints of sexual harassment.
 - The Decision-maker (who cannot be the same person as the Title IX Coordinator or the Investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the Respondent, and whether remedies will be provided to the Complainant.
 - The written determination must be sent simultaneously to the parties along with information about how to file an appeal.
 - **Informal Resolution**
 - The College is allowed in its discretion to choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.
 - The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, the College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.
 - At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal resolution process with respect to the formal complaint.
 - The College must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

- **Appeals**
 - The College must offer both parties an appeal process from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel who exhibited or had a conflict of interest or bias that affected the outcome of the matter.
 - The College may offer an appeal equally to both parties on additional bases.
- **Retaliation Prohibited**
 - All forms of retaliation are expressly prohibited. Retaliation is any adverse action taken against someone who has reported sex discrimination or harassment, or who has participated in an investigation or proceeding related to sex discrimination or harassment. Retaliation can be committed by anyone, including the school, the Respondent, the Complainant, or others involved.
 - Charging an individual with code of conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.
 - Complaints alleging retaliation may be filed according to the College's prompt and equitable resolution procedures.
 - The exercise of rights protected under the First Amendment does not constitute retaliation.
 - Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a Title IX resolution proceeding does not constitute retaliation, however, a determination regarding responsibility alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Summary of the Parties' (Complainant and Respondent) Rights

When a sex-based crime/incident occurs, both parties have several rights which the College adheres to and provides which include the following:

- An equitable, prompt, and effective investigation and resolution of all credible allegations of prohibited sex discrimination, sex-based harassment, retaliation, and other prohibited conduct, when reported in good faith to BCC officials.
- Equitable treatment of parties involved.
- Timely written notice provided of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions, via a Notice of Investigation and Allegations (NOIA).
- Timely written notice provided of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the NOIA as needed to clarify potentially implicated Policy violations.
- Timely written notice provided of scheduled meeting/proceeding dates or any delays or dismissals.
- Be informed in advance of any BCC public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from BCC's release to the public without consent, except to the extent permitted or required by law.
- Be treated with respect by BCC officials.

- Have BCC Policy and these procedures followed without material deviation.
- Voluntarily agree to resolve allegations under the College’s policies through Informal Resolution without BCC pressure if Informal Resolution is approved by the Title IX Coordinator.
- Not be discouraged by BCC officials from reporting sex discrimination, sex-based harassment, retaliation, and other prohibited conduct to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by BCC in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
- Have allegations of conduct violations responded to promptly and with sensitivity by BCC law enforcement, security, and/or other BCC officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa, and immigration assistance, and/or other services, both on-campus and in the community.
- Be assured that a BCC-implemented no-contact order or a no-trespass order is issued against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Have all external court orders of protection observed on campus, upon informing the College of such protective orders.
- Be informed of available assistance in changing academic, and/or employment situations after an alleged incident of sex discrimination, sex-based harassment, retaliation, and/or other prohibited conduct if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but not limited to:
 - Changing an employee’s work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and provide a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
- Have BCC maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair BCC’s ability to provide the supportive measures.
- Receive sufficiently advanced written notice of any BCC meetings or interviews involving another party, when possible.
- Identify and have the Investigator(s) and/or Decision-maker question relevant available witnesses, including expert witnesses. A party’s Advisor can do so as well.
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
- Have Complainant’s inadmissible sexual interests/prior sexual history or any Party’s irrelevant character evidence excluded by the Decision-maker.
- Access the relevant evidence obtained and respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least seven (7) business days to review the report prior to the determination.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular status updates on the Investigation and/or Resolution Process.
- Have reports of alleged policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
- A decision-making panel that is not single sex in its composition, if a panel is used.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any BCC representative in the process be recused because of disqualifying bias and/or conflict of interest. This includes the Title IX Coordinator, Deputy Coordinators, Investigators, and Decision-Makers.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process. This includes being advised of the role of an Advisor and what an Advisor can and cannot do.
- Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
- Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a BCC decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with BCC's grounds for appeal.
- A fundamentally fair and equitable resolution.
- Presumption that the accused party is not responsible for the alleged conduct until a determination is made at the conclusion of the resolution process that discrimination based on sex occurred.

Security Awareness and Crime Prevention

The Public Safety Department's goal is to be proactive and prevent incidents from occurring. Public Safety personnel are available at all 3 BCC locations to provide an escort to a vehicle, classroom, or 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 surveillance cameras to support their crime prevention efforts. One of the essential ingredients of any successful crime prevention program is an informed and educated public. It is a focus of the College and the Public Safety Department to educate and inform students,

faculty, and staff about good security awareness and crime prevention practices at all 3 BCC locations. Public Safety and various departments of BCC offer programming throughout the academic year about safety/security awareness and crime prevention, which are delivered via live-in person presentations, printed materials, and videos. Such programming is available to new and current students and employees, except for Safe Colleges Training which is provided and required of new and current employees only.

Security Awareness Programs

Security awareness programs provide the College community with information about the College's safety and security practices, procedures, and protocols. This programming educates students and employees about potential threats to the College community and how to protect themselves and the College's property and information. Such programming encourages students and employees to be responsible for their own security and the security of others. BCC conducts several programs per year, with such programs announced well in advance of their offering. Participants in these programs are asked to be alert, security-conscious and always involved, and advised to contact the Public Safety Department to report suspicious behavior or activity. For additional questions regarding security awareness and crime prevention, or to request a Public Safety presentation, contact the department directly at 201-447-9200.

Crime Prevention Programs

The College provides crime prevention programs to the College community which present strategies and activities that are focused on crime prevention, reducing crime, and making the community safer. Such strategies and activities seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and the College community, including the fear of crime, by intervening to understand and influence their multiple causes.

Examples and type of programming (awareness and/or prevention) includes the following:

- **BCC Public Safety offers the Live Safe/Bergen Safe smartphone application:** Once downloaded onto a smartphone, this software offers resources for mental health, suicide prevention, and addiction matters (awareness programming).
- **Coffee with a Cop:** Coffee and conversation with local law enforcement to learn about campus safety. No agenda or speeches, just a chance to ask questions, voice concerns, and get to know the Bergen County Sheriff's Department officers who reside on the Paramus campus (awareness and prevention programming).
- **Campus Safety Day:** Annual program to promote safety awareness/prevention 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 (awareness and prevention programming).
- **Clothesline Project:** 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 (awareness programming).
- **Run, Hide, Fight:** Video that depicts varied individual responses in active shooter situations (awareness programming).
- **Take Back the Night Anti-Violence Awareness Day:** A comprehensive prevention and intervention anti-violence campaign (prevention programming).
- **Jumping Off Bridges:** Event raising mental awareness of what life is like for those left behind when a loved one or friend commits suicide (awareness programming).

- **Great America Smoke Out:** Annual intervention event held in November by the American Cancer Society (prevention programming).
- **Shining Light on Your Mental Health:** Awareness initiative to provide support for individuals with mental illness and to educate on the importance of behavioral health (awareness programming).
- **Cyber Security Awareness:** Video that provides details and educates on how to secure your online presence and developing the skills necessary to protect private data (awareness and prevention programming).
- **Safe Colleges Training:** Required/mandatory annual online training for all faculty and staff on various topics including Bloodborne Pathogen Exposure Prevention, Data Classification & Handling Policy, and Workplace Bullying Awareness & Prevention (awareness and prevention programming).

The Public Safety Department also conducts safety/security related information sessions geared to specific departments, programs, and groups of the College throughout the year. These sessions serve as both security awareness and crime prevention programming, as they cover topics which address both. Such sessions include information about the Public Safety Department including its responsibilities, contact information, and when to contact Public Safety personnel; general safety and security matters; general College rules and conduct topics; severe weather conditions and other dangerous conditions including use of the Emergency Notification System; active shooter response protocols; types of emergency situations and responses; prevention tips; and mental health awareness information. In addition to this Annual Security Report, the Public Safety Department also produces an Emergency Handbook which provides need-to-know information in a concise manner to the College community. The Emergency Handbook is accessible via the Public Safety web page on the BCC website and can be accessed via the following link: <https://bergen.edu/wp-content/uploads/Emergency-Handbook.pdf>.

Drug and Alcohol Abuse Prevention Program (DAAPP)

Bergen Community College, in accordance with its mission, is committed to protecting the safety, health, and well-being of all students, employees, and other members of our community. As a pillar of the Bergen community, the College has made a strong commitment to ensure it is free of alcohol and illegal drugs. Recognizing that alcohol abuse and illegal drug use pose a threat to BCC's educational mission, policies and programs have been established that balance our respect for the individual and concern for the community.

The College's Drug and Alcohol Abuse Prevention Program (DAAPP) is a wide-ranging program that incorporates evidenced-based practices, designed to implement, and evaluate campus and community-based strategies to reduce and prevent high-risk alcohol and substance use and abuse among our college students, faculty, and staff. BCC's DAAPP is a collaborative effort shared by the Center for Health, Wellness, and Personal Counseling; the Office of Student Life and Conduct; the Center for Student Success; Public Safety; the Bergen County Sheriff's Office; the Athletics Department, and Human Resources.

The Drug-Free Schools and Campus Regulations (CFR 34, Subtitle A, Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an institution of higher education to certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

In compliance with the Drug-Free Schools and Campus regulations, and as part of the College's ongoing drug and alcohol abuse prevention program, BCC annually distributes to students and employees, the following information, which is also made available to prospective students and employees:

- The Student and Employee Codes of Conduct which clearly prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs on BCC property or as part of any College sponsored activities.
 - The Student Code of Conduct can be accessed via the following link: <https://bergen.edu/student-conduct/student-code-of-conduct/>
 - The Employee Code of Conduct can be accessed via the following link: <https://bergen.edu/wp-content/uploads/Code-of-Conduct1723.pdf>
- The DAAPP document which includes the following:
 - Standards of conduct that clearly prohibit at a minimum the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
 - A description of applicable local, state, or federal legal sanctions pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol.
 - A description of the health risks associated with the use and abuse of illicit drugs and alcohol.
 - A description of available drug and alcohol counseling, treatment, rehabilitation, and re-entry programs.
 - A clear statement that the College will impose disciplinary sanctions on students and employees who violate the standards of conduct, and a description of those sanctions, up to and including student expulsion or termination of employment and referral for prosecution.

Bergen Community College prohibits the unlawful possession, use, sale, or distribution of illicit drugs on college property or as part of any of its student and employee activities. The College further prohibits the possession or consumption of alcohol on the College campus or at any College sponsored activities, except for special, approved receptions. Violators may be subject to suspension or dismissal. Intoxication and/or disorderly conduct resulting from consumption of alcoholic beverages or use of illegal drugs will be considered a serious violation of campus regulations and may result in disciplinary action. **Although legislation legalizing the recreational sale and use of cannabis was passed in 2021 and became effective in 2022 by New Jersey, the sale, use, or possession of cannabis is prohibited on all Bergen Community College campuses or at the College's organized activities and events.**

Local, state, and federal laws that apply to unlawful possession, use, sale or distribution of illicit drugs and alcohol will be enforced. The 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 the College's policies and regulations are subject to disciplinary sanctions. As appropriate, sanctions may range from a verbal warning up to dismissal or termination. 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 and supportive services to employees and students when needed or necessary. The confidentiality of students and employees involved in alcohol and/or drug related incidents including any sanctions imposed will be maintained by the College to the extent allowable by state and federal laws.

Drug and Alcohol Awareness and Prevention Programming

The following drug and alcohol awareness and prevention programming is provided to new students and employees and directed to existing/current students and employees:

- **Bergen County Prosecutor Fentanyl Event:** Bergen County Prosecutors Office presented important information and data to bring awareness to the dangers of fentanyl and how close it is to our community.
- **One Pill Can Kill Presentation:** To educate the community to the dangers of Opioids.
- **Today's Marijuana:** Event to learn about the different types and strengths of marijuana, how it affects the body, associated health concerns, and the risks of using non-FDA approved substances.
- **Safe Colleges Training:** Required/mandatory annual online training for all faculty and staff on various topics including the employee code of conduct and drug-free workplace.
- **Narcan Train the Trainer:** Training course on how to recognize the signs of an opioid overdose and administer the opioid reversal drug Naloxone.

Biennial Review of BCC'S Drug and Alcohol Abuse Prevention Program

On a biennial basis in even numbered years, BCC performs a review of its DAAPP as also required by the DFSCA and distributes a Biennial Review document to the College Community. The purpose of the Biennial Review is to:

1. Determine the DAAPP's effectiveness and implement necessary changes to DAAPP policies and procedures when needed.
2. Ensure that disciplinary sanctions for violating standards of conduct are being enforced consistently.

See the following link to information concerning BCC's drug and alcohol abuse prevention program and the related DAAPP and Biennial Review documents: <https://bergen.edu/currentstudents/student-policies-and-procedures/alcoholanddrugpolicy/>. The College has a Biennial Review Team which is comprised of the Vice President of Student Affairs, Assistant Vice President of Student Affairs, Licensed Professional Counselor, Associate Director of Health Services, Director of Student Life & Development, and Coordinator of Student Conduct & Development. This team meets regularly to review the status and all aspects of the DAAPP. This includes a review of existing program activities, new activities to consider, effectiveness of the program activities, any issues/weaknesses identified, suggested program changes, how any drug and alcohol related incidents were addressed, and the effectiveness of any enforcement. Such meetings and review better positions the team to update and complete the Biennial Review document every two years, as is required.

The responsible departments work to ensure that the policies, legal and conduct sanctions, health risks, counseling, rehabilitation, and treatment options are current and addressed and that the DAAPP and Biennial Review documents are available on the College website. The Vice President of Student Affairs and Vice President of Human Resources and Organizational Development are responsible for the distribution of both documents to new, existing, and prospective students, faculty, and staff.

Distribution of the DAAPP and Biennial Review Documents to Students

The DAAPP document is disseminated annually at the start of each new fall and spring academic semesters, to new and existing students via email with a link to the document. The same distribution is done after the census of the latest session in each semester, to ensure that any newly enrolled students who joined the College after the initial distribution each semester have been informed of the College's DAAPP and received the documents. The same process is done every two years when the revised/new Biennial Review document is available. Both documents are posted and available on the BCC website for the College community to always access.

Distribution of the DAAPP and Biennial Review Documents to Employees

The DAAPP document is disseminated annually at the start of each new fall and spring academic semesters, to new and existing employees (faculty and staff) via email with a link to the documents. The same process is done every two years when the revised/new Biennial Review document is available. These documents are also made available to prospective employees during the hiring process and to all new employees via the new hire orientation process. This ensures that newly hired employees that joined the College after the initial distribution each semester are informed of the College's DAAPP and received the documents.

Crime Reporting and Statistics

Daily Crime Log: Policies and Access

The Clery Act requires that colleges maintain a Daily Crime Log that is made available to the public covering crimes that occurred during the most recent 60-day period. BCC's log is maintained in the Public Safety Department (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 to the Desk Officer at the Paramus Campus 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 each 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. Crime log information can also be accessed via the following link: <https://bergen.edu/about-us/public-safety/crime-statistics/>.

All crimes (not just Clery-reportable crimes) are entered into the log pertaining to all three BCC locations. Log entries must be made within two business days of the incident report being made to the Public Safety Department. There are two exceptions when entries are permanently excluded from the Daily Crime Log. One exception 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 cause one of these adverse effects, it will be placed in the Daily Crime Log.

Only law enforcement personnel (not Public Safety Department or other College personnel) can determine following an investigation that a crime is unfounded (i.e. did not occur). An institution is not required to include (or may remove) a reported crime from its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a formal determination that the crime report is false or baseless and, therefore, "unfounded." Institutions must report to the Department of Education and disclose in their Annual Security Report statistics that include the total number of crime reports that were "unfounded" and subsequently withheld from its crime statistics during each of the three most recently completed calendar years.

Crime Statistics Reported in the Annual Security Report

The crime statistics that are reported in the Annual Security Report include the following four Clery crime categories:

- **Criminal Offenses** – includes the following:
 - Criminal Homicide which includes murder/non-negligent manslaughter and negligent manslaughter.
 - Sexual assault which includes rape, fondling, incest, and statutory rape,
 - Robbery
 - Aggravated assault
 - Burglary
 - Motor vehicle theft
 - Arson
- **Arrests and Referrals for Disciplinary Action** – includes liquor law arrests and referrals for disciplinary action, drug law arrests and referrals for disciplinary action, and illegal weapons possession arrests and referrals for disciplinary action.
- **Violence Against Women Act (VAWA) Offenses** – includes domestic violence, dating violence, and stalking incidents.
- **Hate Crimes** – those in which the victim is intentionally selected because of the perpetrator’s bias toward the actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability of the victim. Hate crimes include all the criminal offenses. They also include larceny-theft, simple assault, intimidation, and vandalism/damage/destruction of property which again is based on bias of the victim.

Please note the following. Domestic violence, dating violence, sexual assault, and stalking are all VAWA offenses/crimes. However, sexual assault is included by the FBI as a criminal offense, and thus classified by the Clery Act and reported as such by colleges and universities in their crime statistics (including BCC), rather than reported with the other VAWA crimes of domestic violence, dating violence and stalking.

Allegations of Incidents - Statistics are based on reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to include the reported crime in the College’s crime statistics.

Crime Instances that Meet the Definition of More Than One Category

There is a degree of complexity involved in the accurate reporting of crime statistics. The Clery Act requires and emphasizes the importance of timely and accurate crime statistics that institutions must report. Thus, it is important to provide an understanding of how the College’s crimes statistics are reported in this ASR, including instances when a crime incident is reported as more than one crime, and exceptions to the reporting rules. The way crime incidents are counted/reported in the College’s crime statistics are included below.

Statistics are disclosed separately for each of the four Clery crime categories as required by the Clery Act. When an incident meets the definition in more than one category, it is reported in each of those categories. Any criminal offense that is also a hate crime or a VAWA offense, or results in an arrest or disciplinary action for a weapon, drug abuse, or liquor law violation is counted/reported as a criminal offense, and as a hate crime or VAWA offense or arrest/referral for disciplinary action. For example, if a murder is committed which is

determined to be a hate crime due to the murderer's bias toward the victim because of the victim's color or religion, then the murder is reported as a criminal offense and as a hate crime in the College's crime statistics.

FBI UCR Hierarchy Rule

The FBI's Uniform Crime Reporting (UCR) Hierarchy Rule must be used when counting multiple criminal offenses. This rule only pertains to the criminal offense category. Under this rule when more than one criminal offense was committed during a single incident, only the most serious offense is counted/reported in the crime statistics. A single incident means that the offenses were committed at the same time and place, and the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault (includes rape, fondling, incest, and statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

An example based on the Hierarchy Rule is if a student or employee is both raped and robbed during a single incident. In this case, only the Rape incident is included in the crime statistics, because it is classified as the more serious crime in the hierarchy.

There are **exceptions** to using the Hierarchy Rule when counting offenses. They apply to Arson and Sexual Assaults (classified as Criminal Offenses), Hate Crimes and VAWA Offenses.

Arrests and Referrals for Disciplinary Action for weapons, drug abuse, and liquor law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, institutions must count/report arrests for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident. For example, if an Aggravated Assault is committed with the use of a firearm in violation of a weapons law, both the Aggravated Assault and the arrest or referral for the Weapons Law Violation is counted/reported in the College's crime statistics.

Rules for Counting/Reporting Arson

- Arson is always counted/reported regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, the most serious offense along with the Arson are counted/reported.
- Incidents in which persons are killed as a direct result of Arson are counted/reported as Murder and Non-negligent Manslaughter and Arson or as Manslaughter by Negligence and Arson.

Rules for Counting/Reporting Sexual Assaults

- If Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder, both the Sexual Assault and the Murder are counted/reported.

- Fondling is recognized as an element of Sexual Assault. Sexual Assault as Fondling is included/reported only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, both the Fondling and the Murder are counted/reported.

Rules for Counting/Reporting Hate Crimes

Hate Crimes are counted in the same manner that the offenses are when they are not Hate Crimes except that the Hierarchy Rule does not apply to Hate Crimes. This means that:

- All the offenses committed in a multiple offense incident that are bias-motivated must be counted/reported. For example, if there is a single reported incident involving an Aggravated Assault and a Motor Vehicle Theft that were both motivated by bias, the incident is included/reported in the statistics for both crimes.
- In reporting the number of Hate Crimes, only the crimes that are bias-motivated as Hate Crimes in a multiple-offense incident are included. For example, two armed men commit a robbery outside of a campus building. One of the offenders goes inside the building with the intention to rob more individuals, and Sexually Assaults a Hispanic woman. The offenders were later arrested, and the investigation showed that although the Robbery was not bias-motivated, the Sexual Assault was. Only the Sexual Assault is included/reported as a Hate Crime.
- For any Criminal Offense that is also a Hate Crime, the crime statistics will include/report the Criminal Offense and the offense in the Hate Crime category of bias. For example, if an Aggravated Assault is a Hate Crime, one Aggravated Assault is included in the statistics in the Criminal Offense category and one Aggravated Assault motivated by (category of bias) is included in the Hate Crime category.
- The exception is when an Aggravated Assault is not included in the Criminal Offense category because of the hierarchy rule. For example, for a single incident involving both a Rape and an Aggravated Assault that were both Hate Crimes, only the Rape is included in the Criminal Offense category and both the Rape, and the Aggravated Assault are included in the Hate Crimes category.

Rules for Counting/Reporting VAWA Offenses

The Hierarchy Rule does not apply to VAWA Offenses. Therefore, for any Criminal Offense, Hate Crime, or Arrest or Referral for Discipline for Weapons, Drug, or Liquor Law Violations that is also a VAWA Offense, the crime statistics reported reflect the original offense and the VAWA Offense. For example, if an Aggravated Assault is also Domestic Violence, the incident is included as one Aggravated Assault in the Criminal Offense category and as an incident of Domestic Violence in the VAWA Offense category.

Clery Geography

For purposes of collecting and reporting crime statistics for inclusion in this report, the Clery Act defines geographic categories where Clery reportable crimes that occur must be disclosed in the College's crime statistics. The Clery Act requires institutions of higher education (IHE) to report Clery defined crimes that occur in the following defined geographies:

- **On-Campus:**
 - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

- Any building or property that is within or reasonably contiguous to the above paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **Non-Campus Building or Property:**
 - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
 - Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property:**
 - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

All three BCC locations (Paramus, Hackensack, and Lyndhurst) do not have residential halls, campus housing, or residential facilities. Therefore, fire safety information, reports, and statistics as well as missing student notification information and policy statements as required by the Clery Act are not applicable to BCC.

Violence against Women Act (VAWA)

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence against Women Act (VAWA) of 1994. Included within the Act were amendments to the Clery Act that afford additional rights to campus victims of domestic violence, dating violence, sexual assault, and stalking. The Department of Education continues to refine reporting requirements and educational institutions must include statistics regarding offenses of dating violence, domestic violence, sexual assault, and stalking. Such statistics are compiled in accordance with the definitions used in section 4002(a) of the VAWA.

Definitions of Crime Reporting Categories: The following crime definitions are used in the statistics categories used for reporting for Clery Act purposes. These categories include:

- Criminal Offenses
- Hate Crimes,
- VAWA offenses (Dating Violence, Domestic Violence, Sexual Assault and Stalking),
- Arrests and Disciplinary Referrals for Weapons, Drug Abuse and Liquor Law Violations.

Under the Clery Act, for the purposes of counting and disclosing Criminal Offenses, Hate Crimes, and Arrests and Disciplinary Referral statistics, colleges and universities must do so based on definitions provided by the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI’s UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all the other UCR Program standards.

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that colleges and universities must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations. For Clery Act purposes, it is essential that institutions classify and count reported incidents based on the definitions specified by the Clery Act. Note: These definitions may not be the same for these offenses under New Jersey Criminal Code (Title 2C).

Criminal Offense Definitions

- **Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
 - **Arson**: Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.
 - **Burglary**: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.
 - **Criminal Homicide**: These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.
 - **Murder and Non-Negligent Manslaughter**: The willful (non-negligent) killing of one human being by another.
 - **Manslaughter by Negligence**: The killing of another person through gross negligence.
 - **Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle, not a theft of someone's possessions from a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
 - **Robbery**: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
 - **Sexual Assault (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, which includes the following:
 - **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 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.
- Note** – as mentioned earlier, this is a VAWA crime but which the FBI classifies as a criminal offense and reported as such for Clery crime statistics reporting purposes.

Hate Crimes & Bias Category Definitions

Hate Crimes are criminal offenses in which the victim was intentionally selected because of the perpetrator's bias against the victim (see below bias categories). Hate crimes include criminal offenses and any of the following incidents that are based on bias against the victim:

- **Larceny/theft**: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded. (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.")
- **Simple assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation**: To unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/damage/vandalism of property**: 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.

Bias Categories:

- **Race**: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion**: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation**: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender**: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity**: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. (Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such).
- **Ethnicity**: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Note: For Clery Act reporting, it is the perception of the offender/perpetrator, not the perception of the victim that determines whether a crime is classified as a Hate Crime.

Violence Against Women Act (VAWA) Offense Definitions

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - For the purposes of this definition
 - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim.
 - By a person with whom the victim shares a child in common.
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - By a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - 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 in the crime of violence occurred.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's 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.

Arrests and Referrals for Disciplinary Action Definitions

- **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. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **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.
- **Weapon law violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Arrests for Clery Act purposes is defined as a person processed by arrest, citation, or summons. The following are classified as arrests:

- Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as “arrested” when the circumstances are such that if the individual were an adult, an arrest would have been counted.
- Any situation where a young person, in lieu of actual arrest, is summoned, cited, or notified to appear before the juvenile or youth court, or similar official for a violation of the law.
- Only violations by a young person where some police or official action is taken beyond a mere interview, warning, or admonishment.

Referral for Disciplinary Action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. The referral may but does not have to originate with the police. If the process involves the following three criteria, it is considered a disciplinary action under the Clery Act:

- The official receiving the referral must initiate a disciplinary action,
- A record of the action must be established, and
- The action may, but does not have to, result in a sanction.

Rules for Counting Arrests for Weapons, Drug Abuse, and Liquor Law Violations

- The number of arrests for Weapons Violations, the number of arrests for Drug Abuse Violations, and the number of arrests for Liquor Law Violations are counted/reported.
- If a single incident involving a Liquor Law Violation for example resulted in the arrest of 10 students, 10 arrests are counted/reported.
- If the same person is arrested for multiple incidents in the same calendar year (e.g., one arrest in February and one arrest in March), two arrests are counted/reported. Two arrests are counted/reported even when both arrests are for the same type of violation (e.g., both were Drug Abuse Violations).

- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a Drug Abuse Violation and referred for a Liquor Law Violation), only the arrest is counted/reported.
- If a person is both arrested and referred for disciplinary action for a single incident involving a law violation (e.g., a Drug Abuse Violation), only the arrest is counted/reported.
- If a person is arrested for multiple violations during a single incident (e.g., violations of both Drug Abuse and Liquor Laws), law enforcement or security officer discretion should be used to determine which violation to count, and the justification for this determination is documented. Officer discretion is allowed only for Weapons, Drug Abuse and Liquor Law Violation arrests resulting from a single incident.
- If a person is issued a civil citation for a law violation (e.g., in lieu of an arrest) an arrest is not counted/reported.

Note - Statistics for arrests and persons referred for disciplinary action are not combined.

Rules for Counting Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations

- The number of persons who were referred for disciplinary action for Weapons Violations, the number referred for Drug Abuse Violations, and the number referred for Liquor Law Violations are counted/reported.
- The number of persons who were referred for disciplinary action solely for violation of institutional policy are not counted/reported. Only the number of persons referred for violations of the law are counted/reported.
- If a person is referred for disciplinary action for multiple incidents in the same calendar year (e.g., one referral in February and one referral in March), two referrals for disciplinary action are counted/reported. Two referrals are counted/reported even if both referrals are for the same type of violation (e.g., both were Drug Abuse Violations).
- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a Drug Abuse Violation and referred for a Liquor Law Violation), only the arrest is counted/reported.
- If a person is referred for disciplinary action for multiple violations during a single incident (e.g., violations of both drug abuse and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count/report, and the justification for this determination is documented. Officer discretion is allowed only for Weapons, Drug Abuse and Liquor Law Violation referrals for disciplinary action resulting from a single incident.
- As mentioned above under arrests, if a person is issued a civil citation for a law violation (e.g., in lieu of an arrest) an arrest is not counted/reported. However, if the person is also referred for disciplinary action for the same violation, the disciplinary referral is counted/reported.

Bergen Community College Crime Statistics

Presented below are the crime statistics for calendar years 2021, 2022, and 2023 for each of the College's three locations – Paramus, Hackensack, and Lyndhurst. The following definitions pertain to the crime statistics.

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. Also, any building or property that is within or

reasonably contiguous to the area identified in the first part of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

Non-Campus Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Unfounded Crimes: Those crimes considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the incident report is false or baseless.

Hate crimes: Those crimes in which the victim is intentionally selected because of bias toward the actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability of the victim. Hate crimes include any of the criminal offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Note - criminal offenses include murder/non-negligent manslaughter, negligent manslaughter, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Paramus Campus

Bergen Community College Crime Statistics (Paramus Campus)									
Criminal Offense	2021			2022			2023		
	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus
Criminal Offenses									
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault - Rape	0	0	0	0	0	0	0	0	0
Sexual Assault - Fondling	0	0	0	0	0	0	1	0	0
Sexual Assault - Incest	0	0	0	0	0	0	0	0	0
Sexual Assault - 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	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests & Referrals for Disciplinary Action									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Referrals 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 Referrals for Disciplinary Action	0	0	0	0	0	0	3	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Violence Against Women Act (VAWA) Offenses									
Dating Violence	0	0	0	1	0	0	0	0	0
Domestic Violence	0	0	0	1	0	0	0	0	0
Stalking	5	0	0	0	0	0	0	0	0
Hate Crimes									
Criminal Offenses	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	2	0	0	0	0	0	1	0	0
Vandalism/Damage/Destruction	1	0	0	0	0	0	0	0	0
Hate Crime Incident Types									
2021: Two intimidation incidents characterized by Race, one vandalism incident characterized by Race.									
2023: One intimidation incident characterized by National Origin.									
There are no unfounded crimes as determined by sworn or commissioned law enforcement personnel in 2021, 2022, and 2023.									

Hackensack Campus

Bergen Community College Crime Statistics (Hackensack Campus)									
Criminal Offense	2021			2022			2023		
	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus
Criminal Offenses									
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault - Rape	0	0	0	0	0	0	0	0	0
Sexual Assault - Fondling	0	0	0	0	0	0	0	0	0
Sexual Assault - Incest	0	0	0	0	0	0	0	0	0
Sexual Assault - Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	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
Arrests & Referrals for Disciplinary Action									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Referrals 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 Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Violence Against Women Act (VAWA) Offenses									
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									
Criminal Offenses	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism/Damage/Destruction	0	0	0	0	0	0	0	0	0
<p>There are no unfounded crimes as determined by sworn or commissioned law enforcement personnel in 2021, 2022, and 2023.</p>									

Lyndhurst/Meadowlands Campus

Bergen Community College Crime Statistics (Lyndhurst/Meadowlands Campus)									
Criminal Offense	2021			2022			2023		
	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus	On Campus	Public Property	Non Campus
Criminal Offenses									
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault - Rape	0	0	0	0	0	0	0	0	0
Sexual Assault - Fondling	0	0	0	0	0	0	0	0	0
Sexual Assault - Incest	0	0	0	0	0	0	0	0	0
Sexual Assault - 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
Arrests & Referrals for Disciplinary Action									
Liquor Law Arrests	0	0	0	0	0	0	0	1	0
Liquor Law Referrals 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 Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Violence Against Women Act (VAWA) Offenses									
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									
Criminal Offenses	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism/Damage/Destruction	0	0	0	0	0	0	0	0	0

There are no unfounded crimes as determined by sworn or commissioned law enforcement personnel in 2021, 2022, and 2023.

New Jersey Campus Sexual Assault Victim's (Complainant'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 recognizes 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:

- To be free from any suggestion that victims must report a crime to be assured of any other rights guaranteed.
- 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; and/or
 - 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 the crime is formally reported to campus or civil authorities or not.
- 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 regarding 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 assistance provided 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 such campus receives a copy of this document.
- Nothing in this policy 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.

BCC Rules, Disciplinary Procedures, and Expectations

For a community of people to live and work together in harmony, there must be a commitment to its policies and 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.

College Community Statement of Rights

Members of Bergen Community College have the right to:

- Exist, in this community free from sexual, racial, ethnic, or religious discrimination or harassment or bullying of any kind.
- Believe, act, or appear in ways I choose provided 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.
- 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 College community will always conduct themselves in a manner which evidences respect for self, for others (students, faculty, staff, guests, and visitors) and for the College's property. 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 is predicated upon students and employees having met this expectation. The offering of employment at the College and 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.

Appendix 1 - Summary of Crimes/Incidents

Crime/Incident	Covered/Reported Under:		Recommended Resource to Contact
	Clery Act	Title IX	
Criminal Offenses:			
<u>Criminal Homicide:</u>			
Murder/Non-Negligent Manslaughter	X		Public Safety Dept.
Negligent Manslaughter	X		Public Safety Dept.
<u>Sexual Assault (A):</u>			
Rape	X	X	Title IX Coordinator
Fondling	X	X	Title IX Coordinator
Incest	X	X	Title IX Coordinator
Statutory Rape	X	X	Title IX Coordinator
Robbery	X		Public Safety Dept.
Aggravated Assault	X		Public Safety Dept.
Burglary	X		Public Safety Dept.
Motor Vehicle Theft	X		Public Safety Dept.
Arson	X		Public Safety Dept.
Hate Crimes (B):			
Any of the Criminal Offenses	X		Public Safety Dept.
Larceny-Theft	X		Public Safety Dept.
Simple Assault	X		Public Safety Dept.
Intimidation	X		Public Safety Dept.
Vandalism/Damage/Destruction of Property	X		Public Safety Dept.
Violence Against Women Act (VAWA) Crimes:			
Domestic Violence	X	X	Title IX Coordinator
Dating Violence	X	X	Title IX Coordinator
Stalking	X	X	Title IX Coordinator
Arrests & Referrals for Disciplinary Action:			
Liquor Law Arrests & Violations Referred for Disciplinary Action	X		Public Safety Dept.
Drug Law Arrests & Violations Referred for Disciplinary Action	X		Public Safety Dept.
Illegal Weapons Possession Arrests & Violations Referred for Disciplinary Action	X		Public Safety Dept.
Discrimination Based on Sex:			
Sex Discrimination		X	Title IX Coordinator
<u>Sexual Harassment:</u>			
Quid Pro Quo		X	Title IX Coordinator
Hostile Environment		X	Title IX Coordinator
<u>Sexual Violence (C):</u>			
Sexual Battery		X	Title IX Coordinator
Sexual Abuse		X	Title IX Coordinator
Sexual Coercion		X	Title IX Coordinator
Gender-Based Harassment		X	Title IX Coordinator
Sexual Exploitation		X	Title IX Coordinator
Sexual Intimidation		X	Title IX Coordinator

(A) Sexual Assault is a VAWA crime which is included by the FBI as a Criminal Offense, and thus reported as such for Clery crime reporting purposes as required by the Clery Act.

(B) Hate crimes are those crimes against a victim because of the perpetrator's bias against the actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability of the victim.

(C) Also includes domestic violence, dating violence, and stalking reported under VAWA Crimes, and sexual assault which includes rape, fondling, incest, and statutory rape reported under Criminal Offenses.

Recommended Resource to Contact: Represents the College (internal) resource that BCC recommends should initially be contacted by the victim or witness to report an alleged or actual crime/incident. The recommended resource has primary responsibility and is in the best position to address the crime/incident, and will involve other internal or external resources as required. For instance the Title IX Coordinator will inform the Public Safety Department of all alleged or actual VAWA crimes that are reported to him/her, and the Public Safety Department will contact the appropriate law enforcement agencies. However, the victim or witness to a crime incident can always report it to a local law enforcement agency.

Note - Victims or witnesses to crimes or incidents have the right and can report them to other College (internal) resources and for crimes to external resources. Other internal resources for example include the Human Resources Department, Campus Security Authorities, Wellness Center, Health Services, Office of Student Affairs, Student Life & Conduct, and the Counseling Center. External resources can include for example the Bergen County Sheriff's Office, Bergen County Prosecutors Office, the local police department that has jurisdiction over the crime, and the Bergen County Rape Crisis Center.