

Annual  
Campus Safety  
and Security  
Report  
2015



MERCER COUNTY COMMUNITY COLLEGE  
2015 CAMPUS SAFETY AND SECURITY REPORT

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The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

**The Clery Act requires colleges and universities:**

Publish an Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The law requires that schools make the report available to all current students and employees, and prospective students and

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employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education.

To have a public crime log. Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request.

Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories: 1. Criminal Homicide, 2. Sex Offenses, 3. Robbery, 4. Aggravated Assault, 5. Burglary, 6. Motor Vehicle Theft and 7. Arson.

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Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime: 1. Larceny/Theft, 2. Simple Assault, 3. Intimidation, 4. Destruction/Damage/Vandalism of Property.

### **Hate Crimes**

A criminal act motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics. Timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report and include in its ASR. There are

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differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

**Emergency Operations Plan**

Devise an emergency response, notification and testing policy. Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

**Mission Statement: Mercer County Community College**

Mercer County Community College is concerned about the safety and welfare of all campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, Mercer County Community College has developed a series of policies and

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procedures designed to ensure that every possible precaution is taken to protect the campus community.

**College Safety and Security Office Information**

The Office of College Safety and Security reports directly to the Vice President for Administration and Chief Business Officer. The Office of College Safety and Security works closely with all departments of the College to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to all the College's students, faculty, and staff.

The main office is located at 1200 Old Trenton Road, West Windsor, New Jersey. It is open 24 hours a day, 365 days a year. Uniformed Campus Safety officers, a supervisor, and a director provide around-the-clock patrol and services to the campus community. All Campus Safety officers are licensed in the state of NJ as unarmed private security officers. They have the same arrest powers as a private citizen as provided in the NJ Revised Statutes.

Campus Safety officers are responsible for a full range of safety services to the Mercer County Community College community, including all crime report investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all College policies including those relating to alcohol use, drug use, and weapons possession. Campus Safety officers submit incident reports on all crimes on campus reported to the department. These incident reports are then filed

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with the appropriate local police department (Hamilton, Lawrence, Trenton and West Windsor Police Departments) and automatically become part of its record-keeping process. All serial numbers of vehicles and property stolen from campus are reported through the appropriate police department and reported to the National Crime Information Center (NCIC). All criminal activity, suspicious activity, and other emergencies on campus should be reported directly to the Office of College Safety and Security by any member or guest of the Mercer County Community College community. Security Officers can be contacted by using any interior emergency phone or by dialing 3200 within the college. Campus Safety officers will respond to you anywhere on campus to investigate and inquire about any of these events.

**Campus Law Enforcement Authority**

The Office of College Safety and Security officers at Mercer County Community College have the authority to ask persons for identification and to determine whether individuals have lawful business at Mercer County Community College. Security officers have the authority to issue summons related to parking and violations of campus policy. Fines resulting from any violation shall be paid at the Bursars Office. Outstanding fines may be billed to financial accounts of students, faculty, and staff. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Office of College Safety and Security at Mercer County Community College maintains a highly professional



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working relationship with the West Windsor, Trenton and Hamilton Police Departments as well as the Mercer County Sheriff's Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to the College Safety and Security Office and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

**Alcohol Policy**

Mercer County Community College seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety, and welfare of all members of the community. In keeping with these objectives, the College has established a policy and guidelines governing the distribution and consumption of alcoholic beverages on the College campus, consistent with laws of the state of NJ. Under-age possession and/or consumption of alcoholic beverages are not permitted on property owned or controlled by the College. Intentionally or knowingly selling, or intentionally or knowingly "furnishing" alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the College.

Alcohol can be served at public events only to those over the age of 21 and only if in conformity with those requirements of the NJ Liquor Control Commission and the College regarding the serving of alcohol. Arrangements for serving alcohol at public events must

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be made through the Office of the Dean for Students Affairs in the Student Center on the West Windsor campus.

Any individual known to be in violation of the College alcohol policy is subject to disciplinary action and possible arrest, imprisonment, or fine according to state or federal law.

### **Illegal Drugs**

Mercer County Community College does not condone possession, use, or distribution of any and all illegal drugs by anyone in any campus facility. Any individual known to be possessing, using, or distributing such drug is subject to disciplinary action and possible arrest, imprisonment, or fine according to state or federal law.

### **Weapons**

For the safety of everyone, all types of weapons are prohibited on campus. Anyone possessing or using weapons without the authorization of the College President or their designee can and will be subject to disciplinary action. This prohibition does not extend to a law enforcement officer as defined by N.J.S.A. 2C:39-3g (1) or person who is qualified as a retired law enforcement officer pursuant to N.J.S.A. 2C:39-6(1). "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all:

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1. Firearms, even though not loaded or lacking a clip or other component to render them immediately operable;
2. Components which can be readily assembled into a weapon;
3. Gravity knives, switch-blades, knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings or razorblades imbedded in wood; and
4. Stun guns and any other weapon or other device which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

**Daily Crime Log**

Campus Safety maintains a daily crime log that lists all reported crimes. The log outlines the logistics of the crime (date, time, and location), the nature of the crime, and how the crime was handled.

**Crime Statistics**

The Office of Campus Safety, under the direction of the director or his or her designee, gathers and compiles Mercer County Community College's crime statistics. In addition to the crimes reported to Campus Safety, the director also solicits information from the Office of the Dean of Students and the Department of Physical Education and Athletics. Crime statistics in this report

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from off-campus venues and adjacent streets are compiled in collaboration with the appropriate local police department.

These crime statistics are substantiated by the Office of Campus Safety in collaboration with the Dean of students, the director of physical education and athletics, and the appropriate local police department. Double counting of these crimes is avoided by an oversight process conducted by the director of campus safety.

It should be noted that the Campus Security Act was amended in 1998. Any marked increase across years or in the revised statistics from previous years can be accounted for by the fact that the geographic boundaries for reporting were greatly expanded in 1998, and reporting of drug, alcohol, and weapons violations was also broadened to include not only arrests but also disciplinary referrals.

The Office of Campus Safety is committed to working with the Mercer County Community College community to resolve all criminal matters in a timely fashion. All members of the Office of Campus Safety know that for this to happen they must cooperate and work hand-in-hand with faculty, staff, and students. By working together, the Office of Campus Safety and the College community can create a safe and secure environment.

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West Windsor Campus

Crime Reported	On Campus	Public Prop.	On Campus	Public Prop	On Campus	Public Prop
	2012	2012	2013	2013	2014	2014
Murder	0	0	0	0	0	0
Sex Offenses (Forcible)	0	0	0	0	0	0
Sex Offenses (Non-Forcible)	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Domestic Violence	0	0	0	0	1	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Arrest:						
Liquor Law	0	0	0	0	0	0
Drugs	0	0	0	0	1	0
Illegal Weapons	0	0	0	0	0	0
Disciplinary Action Judicial Refers for violations Of:						
Liquor Law	0	0	0	0	0	0
Drugs	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0

Public Property Statistics Proved By West Windsor PD

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Trenton Campus

Crime Reported	On Campus	Public Prop	On Campus	Public Prop	On Campus	Public Prop
	2012	2012	2013	2013	2014	2014
Murder	0	0	0	0	0	0
Sex Offenses (Forcible)	0	0	0	0	0	0
Sex Offenses (Non-Forcible)	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	2	0	3	0	4
Aggravated Assault	0	0	0	1	0	1
Burglary	0	0	1	0	0	0
Arson	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Domestic Violence	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Arrest:						
Liquor Law	0	0	0	0	0	0
Drugs	0	0	0	10	0	3
Illegal Weapons	0	1	0	0	0	1
Disciplinary Action Judicial Refers for violations Of:						
Liquor Law	0	0	0	0	0	0
Drugs	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0

Public Property Statistics Proved By Trenton PD

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**Sex Offender Registration Statement**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Campus Security Report 2012 Page 6 of 22 Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Mercer County Community College, Office Of College Safety and

Security is providing a link to the New Jersey State Police Sex Offender Registry. The New Jersey State Police is responsible for maintaining this registry. Follow the link here to access the New Jersey State Police website.

[http://www.nj.gov/njsp/info/reg\\_sexoffend.html](http://www.nj.gov/njsp/info/reg_sexoffend.html)>

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

In accordance with New Jersey law, individuals who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for a sex offense must register under New Jersey's Megan's Law. The specific offenses for which registration is required can be found in New Jersey Code at 2C:7-2. Consistent with this public safety purpose of Megan's Law, the Internet

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registry law expressly prohibits the use of registry information for the purpose of applying for, obtaining, or denying health insurance, insurance, loans, credit, education, scholarships or fellowships, benefits privileges or services provided by any business establishment (unless for a purpose consistent with the enhancement of public safety), or housing or accommodations.

The law also makes it a crime, punishable by a term of imprisonment between three and five years and a fine of up to \$15,000, to use registry information to commit a criminal offense, and makes it a disorderly persons offense, punishable by a fine of up to \$1,000, to use registry information to commit any disorderly persons or petty disorderly persons offense. These charges would be in addition to any charges related to the underlying criminal act committed.

**Preventing and Responding to Sex Offenses Statement**

For those who are victims of a sexual assault at this institution, the first priority should be to get to a place of safety and then to obtain necessary medical treatment. The Office of College Safety and Security strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the appropriate local police department and/or the Office of College Safety and Security. The filing of a police report will not subject the victim to scrutiny or judgmental opinions. Filing a police report will:



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Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim. Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. (Ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam.)

Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention. When a sexual assault victim contacts the local police department, the Mercer County Prosecutors Office Sex Crimes Unit will be notified as well.

The victim of a sexual assault will receive assistance from both the local police department and Mercer County Prosecutors office with regard to the investigation and all criminal justice system proceedings.

Counseling options are available through the local police departments and the Mercer County Prosecutors Office of Victim Witness Advocacy. The Office of Victim Witness Advocacy provides crime victims and witnesses with services designed to help them cope with the aftermath of victimization and make their participation in the criminal justice process less difficult and burdensome. The unit strives to afford the highest quality of services to the greatest number of victims. One of the unit's most crucial responsibilities is keeping victims and witnesses advised of their current case status. This is accomplished through a series of letters

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mailed at each significant phase of the criminal prosecution.

Another essential role of the Victim Witness staff is to advocate for victims and promote their rights within the criminal justice system. The office provides emotional support, crisis intervention, referrals, court accompaniment and information to victims and witnesses. In addition to assisting with restitution requests, staff members help victims complete and file claims with the Victims of Crime Compensation Board. One of the most important and basic rights of victims during the criminal justice process is the right to participate. Advocates ensure that victims are afforded that right by providing guidance and support. In a related vein, the office also notifies victims of inmate releases on bail, parole eligibility and sentence expiration so that victims can take appropriate steps to object or prepare for the inmate's release.

In addition to these direct victim services, the office maintains strong partnerships with allied professionals, other victim service providers and leaders in the community to ensure that a comprehensive network of services and support is available. The unit has a trained staff of victim witness advocates and support personnel. Bilingual (English/Spanish) staff members are available. Student interns and/or volunteers occasionally provide part-time assistance.

For more information, contact the Mercer County Prosecutor's Office of Victim Witness Advocacy at 609.989.6428.

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Disciplinary proceedings, as well as guidelines for cases involving sexual misconduct/sexual harassment are detailed in the Student Handbook. The Handbook provides information regarding the judicial procedures. A student found guilty of violating the college's sexual misconduct/sexual harassment policy could be criminally prosecuted in the state courts and may be suspended or expelled from the college.

**Timely Warnings Statement**

In the event that a situation arises, either on or off campus, that, in the judgment of the director of College Safety and Security, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. Timely Warnings will be issued through M-Alert - The College Emergency Alert Messaging System.

M-Alert is the emergency messaging system implemented by Mercer County Community College. This system enables MCCC administrative, safety and security professionals to reach all students, faculty, and staff members with time-sensitive messages via voice recording, e-mail, and text messaging. During unforeseen events, critical situations, or emergencies, the College may employ this system to broadcast pertinent information and provide details on appropriate response.

M-Alert helps MCCC provide a safer environment, enhance emergency preparedness, and keep its students and employees better informed. In order to ensure that the M-Alert system is effective, all

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employees and students must provide current contact information. **To update your contact information students need to contact Student Services at 609-570-3228. Faculty and Staff should contact Human Resources at 609-570-3270.**

**NOTE: The information that you provide will be used only for MCCC communication with you and will not be shared with other entities and will be kept private and confidential.**

Accurate and timely information is essential in order for the Office of College Safety and Security to help everyone in the event of an emergency.

### **Emergency Notifications Statement**

In the event of a confirmed significant emergency or dangerous situation involving an immediate threat to the health and/or safety of students or employees occurring on the campus, Mercer County Community College will immediately notify the campus community. An "immediate" threat as used here encompasses an imminent or impending threat. Some examples of significant emergencies or dangerous situations are but not limited to outbreak of meningitis, norovirus or other serious illness, approaching tornado, hurricane or other extreme weather conditions, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting and explosion.

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The College President is responsible for the overall direction of the campus emergency response. The authority to declare a Campus State of Emergency rests with the President or the Vice President for Administration and Chief Business Officer. In the event that a situation arises, either on or off campus, a campus wide "emergency notification" will be issued. Emergency notifications will be issued through M-Alert - The College Emergency Alert Messaging System. During unforeseen events, critical situations, or emergencies, the College may employ this system to broadcast pertinent information and provide details on appropriate response.

### **MCCC Social Media**

Mercer County Community College's presence on various social media websites delivers constant contact with specific areas of the college as well as interaction with fellow students and others in the community.



### **Crime Prevention Tips**

Call 609-570- 3200 or 609-570- 3503 from any campus phone to report an emergency.

Value your safety as well as the safety of others.

Always be aware of your surroundings.

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Report all suspicious persons or activities, safety hazards or unsafe lighting to the Office of College Safety and Security at 609-570-3503.

Don't walk alone. Get a friend to walk with you.

At night, always choose a well-lit and well-populated walking route.

Develop a relationship with your class mates; encourage checking in with each other.

Have your keys in hand before you get to your vehicle.

Never take shortcuts through poorly lit areas.

Keep your vehicle doors locked at all times with your windows up. Do not leave valuables such as electronics, clothing, loose change or other personal items in your car. If you need to leave anything in your vehicle, do not leave it in plain sight.

Never leave your book bag, purse, laptop or other valuables unattended.

The Office of College Safety and Security is committed to working with the Mercer County Community College community to investigate all criminal matters in a timely fashion. All members of the Office of Campus Safety know that for this to happen they must cooperate and work hand-in-hand with faculty, staff, and students of Mercer County Community College. By working together, the Office of College Safety and Security and the College community can create a safe and secure environment.

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## Who we are

### **College Safety and Security Office Information**

The Office of College Safety and Security reports directly to the Vice President for Administration and Chief Business Officer of the College. The Office of College Safety and Security works closely with all departments of the College to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to all the College's students, faculty, and staff.

The main office is located within the Welcome Center/Student Center SC 101, 1200 Old Trenton Road, West Windsor, New Jersey. It is open 24 hours a day, 365 days a year. Uniformed Campus Safety officers, a supervisor, and a director provide around-the-clock patrol and services to the campus community. All Campus Safety officers are licensed in the State of NJ as unarmed private security officers. They have the same arrest powers as a private citizen as provided in the NJ Revised Statutes.

### Contact Us

Office of College Safety and Security  
SC 101  
1200 Old Trenton Road  
West Windsor, New Jersey

Phone: 609-570-3503

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**SEX/GENDER HARASSMENT, DISCRIMINATION AND  
MISCONDUCT**

**INTRODUCTION**

Members of the college community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The college believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy.

The college's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject

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matter of courses or that touch on academic exploration of matters of public concern.

The college uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the college never assumes a responding party is in violation of college policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

**TITLE IX COORDINATOR**

The college’s Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports to the President of the College, and is housed in the Administrative Building office # AD 254A. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the college Title IX Coordinator:

**José A. Fernández**  
**Exec. Dir. For Compliance and Human Resources and**  
**Title IX Coordinator**  
**1200 Old Trenton Rd. – AD 254A**

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**West Windsor, NJ 08550**

**Mail to: PO Box 17202, Trenton NJ 08690**

**Voice Phone: (609) 570-3635**

**Email: [fernandj@mccc.edu](mailto:fernandj@mccc.edu)**

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights

U.S. Department of Health and Human Services

Jacob Javits Federal Building

26 Federal Plaza - Suite 3312

New York, NY 10278

Voice Phone (800) 368-1019

FAX (212) 264-3039

TDD (800) 537-7697

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.

Educational Opportunities Section, PHB

Washington, D.C. 20530

By e-mail to [education@usdoj.gov](mailto:education@usdoj.gov)

By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)

By facsimile at (202) 514-8337

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In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to:

**President Jianping Wang**  
**1200 Old Trenton Rd. – AD 249**  
**West Windsor, NJ 08550**  
**Mail to: PO Box 17202, Trenton NJ 08690**  
**Voice Phone: (609) 570-3613**  
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**OVERVIEW OF EXPECTATIONS WITH RESPECT TO  
PHYSICAL SEXUAL MISCONDUCT**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity -- without actions demonstrating permission -- cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

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Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

**OVERVIEW OF EXPECTATIONS WITH RESPECT TO  
CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

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Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Advisors (RAs) and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as

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required can result in disciplinary action for an employee.

**SEXUAL VIOLENCE -- RISK REDUCTION TIPS**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought to sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share,

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clarify your expectations as to how or if those images may be used, shared or disseminated.

- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

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

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you



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yet. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Don't share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

**SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:**

1. **Sexual Harassment, [see OMB 965](#)**
2. **Non-Consensual Sexual Contact (or attempts to commit same)**
3. **Non-Consensual Sexual Intercourse (or attempts to commit same)**
4. **Sexual Exploitation**

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1. SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational [and/or employment], social and/or residential program.

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Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

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

Some examples of possible Sexual Harassment include:

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- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus

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- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

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

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

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3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. SEXUAL EXPLOITATION

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;

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- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

ADDITIONAL APPLICABLE DEFINITIONS:

- Consent:
  - Consent is
    - clear, and
    - knowing, and
    - voluntary [or affirmative, conscious and voluntary],
    - words or actions,
    - that give permission for specific sexual activity.
  - Consent is active, not passive.
  - Silence, in and of itself, cannot be interpreted as consent.

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- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
  - The question of what the responding party should have known is objectively based on



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what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can

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be found at

<http://www.911rape.org/>

- Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).
  - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
  - NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

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- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

***For reference to the pertinent state statutes on sex offenses, please see [Chapter 14, Sexual Offenses, N.J.S.A. 2C:14-2 \(Sexual assault\)](#)***

### **Examples**

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 pm until 3:00 am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being "a prude." Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. **Bill is responsible for violating the college Non-Consensual**

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**Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**

2. Jay is a junior at the college. Beth is a sophomore. Jay comes to Beth's residence hall room with some mutual friends to watch a movie. Jay and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jay and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jay verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jay takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jay to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jay would be held responsible in this scenario for Non Consensual**

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**Sexual Intercourse. It is the duty of the sexual initiator, Jay, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jay had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

3. Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and

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passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the college expects.**

**OTHER MISCONDUCT OFFENSES**

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

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4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as
  - a. Repeated and/or severe
  - b. Aggressive behavior
  - c. Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
  - d. That is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment.
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other;
  - a. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
  - b. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
  - c. A graduate student refuses to wear a condom and forces his girlfriend to take

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hormonal birth control though it makes her ill, in order to prevent pregnancy.

- d. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

## 7. Stalking

- a. Stalking 1:
  - i. A course of conduct
  - ii. Directed at a specific person
  - iii. On the basis of actual or perceived membership in a protected class
  - iv. That is unwelcome, AND
  - v. Would cause a reasonable person to feel fear
- b. Stalking 2:
  - i. Repetitive and Menacing
  - ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- c. Examples of Stalking:
  - i. A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited



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and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together. Stalking 1.

- ii. A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed

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again, “You cannot escape me.  
I will track you to the ends of  
the earth. We are meant to be  
together.”  
Stalking 2.

Other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

**BYSTANDER INTERVENTION**

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 includes:

- Being aware of the event and understand that you need to help.
- Creating possible solutions.
- Taking your time and thinking your response through so that you do not escalate the situation. Is the situation an emergency requiring direct intervention, or can you discuss at a later time? Take a deep breath and stay calm. Enlist help if you can by publicly stating your intention to help. More often than not, people are as worried about the situation as you are, but aren’t willing to be the first one to speak up.
- Intervening as soon as it is safe to do so. At the very least, speak up. A conversation will help

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determine if an ambiguous situation requires help.

**O. Open dialogue/Observe options**

Key to creating an open dialogue is to remember your audience, the timing, location, tone and why you are having the conversation. Try to understand others' points of view.

**N. Negotiate Solution/Negate further conflict**

Help negotiate a solution. Tell your friend what behavior is or is not acceptable, and know the appropriate next step if you feel the discussion failed to yield a desirable outcome.

**RETALIATION**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity (subject to limitations imposed by the 1<sup>st</sup> Amendment and/or Academic Freedom). Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of college policy.

**SANCTIONS**

The following sanctions may be imposed upon any member of the community found to have violated the

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Sex/Gender Harassment, Discrimination and Misconduct Policy. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

**Student Sanctions**

- Warning
- Suspension
- Expulsion

**Employee Sanctions**

Employee sanctions may range from written or verbal warning to termination of employment and will be carried out in accordance with contractual agreement where applicable.

- Warning – Written or Verbal
- Performance Improvement Plan
- Suspension without Pay
- Revocation of Tenure
- Termination

**Sanctioning for Sexual Misconduct**

- Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and

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taking into account any previous disciplinary violations.\*

- Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).\*
- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*

\*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

**CONFIDENTIALITY, PRIVACY AND REPORTING**

**Confidentiality and Reporting of Offenses**

All college employees (faculty, staff, administrators) are expected to immediately report actual or suspected

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discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate college officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at college:

### **Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Athletic trainers (Is Lisa Camillone licensed? If so, the communication is privileged under state statute)

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- Off-campus:
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources,
  - Local or state assistance agencies,
  - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors and/or the Employee Assistance Program (Insert MEAS contact information) are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit timely yearly anonymous, aggregate statistical information every semester (Fall and Spring) for Clery Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

### **Formal Reporting Options**

All college employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night

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marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal college action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to the: President, VP of Academics, VP of Operations, Executive Dean for Student Affairs, and Campus Security. Information will be shared as necessary with investigators, witnesses



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and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

**José A. Fernández**

**1200 Old Trenton Rd. – AD 254A**

**West Windsor, NJ 08550**

**Mail to: PO Box 17202, Trenton NJ 08690**

**Voice Phone: (609) 570-3635**

**Email: [fernandj@mccc.edu](mailto:fernandj@mccc.edu)**

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of these procedures and can subject to disciplinary action for failure to comply.

**Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident

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and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

**Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

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**Additional Provisions**

a. Attempted violations

In most circumstances, college will treat attempts to commit any of the violations listed in the *Gender-Misconduct Policy* as if those attempts had been completed.

b. False Reports

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

c. Amnesty for Victims and Witnesses

The college community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, college

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pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The college pursues a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, the college will provide educational options, rather than punishment, to those who offer their assistance to others in need.

d. Parental Notification

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college

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officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

**CAMPUS SEXUAL ASSAULT VICTIM`S BILL OF RIGHTS**

**INTRODUCTION**

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 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 non-consensual sexual contact, respect for the individual and human dignity are of paramount importance.

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

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**BILL OF RIGHTS**

The following rights shall be accorded to victims of sexual assault 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 assault.

**HUMAN DIGNITY RIGHTS:**

- to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy
- to have any allegations of sexual assault treated seriously; the right to be treated with dignity
- to be free from any suggestion that victims are responsible for the commission of crimes against them
- to be free from pressure from campus personnel to:
  - report crimes if the victim does not wish to do so
  - report crimes as lesser offenses than the victim perceives the crime to be
  - refrain from reporting crime

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- refrain from reporting crimes to avoid unwanted personal publicity.

**RIGHTS TO RESOURCES ON AND OFF CAMPUS:**

- to be notified of existing campus and community based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities
- to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling
- to be informed of and assisted in exercising:
  - any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy
  - 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

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- to be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

**LEGAL RIGHTS:**

- to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- to receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

**CAMPUS INTERVENTION RIGHTS:**

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

**STATUTORY MANDATES:**

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of



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the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation

- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document
- Nothing in this act or 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.

### **QUESTIONS AND ANSWERS**

Here are some of the most commonly asked questions regarding the college's sexual misconduct policy and procedures.

*Does information about a report remain private?*

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the college's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The college will not

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disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by the college, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain college administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the college, Executive Dean of Student Affairs, VP for Academic Affairs, Director of Security). If there is a report of an act of alleged sexual misconduct to a conduct officer of the college and there is evidence that a felony has occurred, the victim will be offered assistance in reporting it to the local police. This does not mean charges will be automatically filed or that a victim must speak with the police. The institution also must statistically report the occurrence on campus of

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major violent crimes, including certain sex offenses, in an “Annual Security Report” of campus crime statistics. This statistical report does not include personally identifiable information.

*Will my parents be told?*

No, not unless you tell them. Whether you are the reporting party or the responding party, the College’s primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an individual has signed the permission form at registration which allows such communication.

*Will the responding party know my identity?*

Yes, if the college determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party.

*Do I have to name the responding party?*

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Yes, if you want formal disciplinary action to be taken against the responding party. You can report the incident without the identity of the responding party, but doing so may limit the institution's ability to respond comprehensively.

*What do I do if I am accused of sexual misconduct?*

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor or advocate; anyone may serve as your advisor or advocate. You may also contact the Executive Dean of Student Affairs, which can explain the college's procedures for addressing sexual misconduct reports. You may also want to talk to a confidential counselor or seek other community assistance. See below regarding legal representation.

*Will I (as a victim) have to pay for counseling/or medical care?*

No, if the services are provided by the college. If a victim is accessing community and non-college services, payment for these will be subject to state/local laws, insurance requirements, etc.

*How is a report of sexual misconduct decided?*

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The college investigates allegations of sex/gender based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is “more likely than not.” This standard, called the preponderance of the evidence, corresponds to an amount of evidence indicating a policy violation is more than 50% likely.

*What should I do about preserving evidence of a sexual assault?*

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim’s person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A student advocate from the college can also accompany you to Hospital and Security can provide transportation. If a victim goes to the hospital, local police will be called,

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but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligation him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

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Area Hospitals:

**Robert Wood Johnson University Hospital -  
Hamilton**

1 Hamilton Health Place  
Hamilton NJ 08690  
Phone: 609.586.7900

**Capital Health Medical Center – Hopewell**

One Capital Way  
Pennington, NJ 08534  
Phone: 800.637.2374

**Capital Health Regional Medical Center**

750 Brunswick Avenue  
Trenton, NJ 08638  
Phone: 609.394.6000

**University Medical Center of Princeton at  
Plainsboro**

1 Plainsboro Road  
Plainsboro, NJ 08536  
Phone: 609.853.7000

*Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?*

No. The seriousness of sexual misconduct is a major concern and the college does not want any of the circumstances (e.g., drug or alcohol

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use) to inhibit the reporting of sexual misconduct. The college provides amnesty from any consequences for minor policy violations that occur during or come to light as the result of a victim's report of sexual misconduct.

*Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct resolution?*

The use of alcohol and/or drugs by either party will not diminish the responding party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the reporting party's memory and, therefore, may affect the resolution of the reported misconduct. A reporting party must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove that policy was violated. If the reporting party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the responding party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a responding party.

*Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*



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Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

*What should I do if I am uncertain about what happened?*

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's Title IX Coordinator (not confidential) or the college's licensed clinical counselor (confidential). The college also provides process advisors or advocates who can help you to define and clarify the event(s), and advise you of your options.