

Annual
Campus Safety
and
Security Report
2016



MERCER COUNTY COMMUNITY COLLEGE
2016 CAMPUS SAFETY AND SECURITY REPORT

This report is the Annual Campus Safety and Security Report for the West Windsor and James Kerney Campuses of Mercer County Community College. It has been produced in compliance with the Jeanne Clery Disclosure of Campus Security Policy and campus Crime Statistics (also known as the Clery Act or Campus Security Act), codified at 20 U.S.C. 1092(f) as part of the Higher education act of 1965 (HEA). This report is distributed annually via Internet to all students and employees. A hard copy of this report is made available to all perspective students and employees upon request.

Further information about Mercer County Community College's policies, regulations and security services are available in the Student handbook or on line at <http://www.mccc.edu/pdf/handbook.pdf>

Employees may obtain further information from the Human resources Office of College Safety.

SECURITY

**West Windsor Campus
1200 Old Trenton Road
West Windsor, New jersey 08550**

On-Campus dial extension 3200, 3305 or 609-570-3503

www.mccc.edu

**James Kerney Campus
102 N. Broad Street
Trenton, NJ 08608**

www.mccc.edu

On-Campus dial extension 3175 Off Campus

James Kerney Campus dial: 609-570-3175

24 Hour/7 Day A Week

Security Telephone Line Security 609-570-3503

What is an Annual Security Report?

The Office of College Safety and Security at Mercer County Community College assistance in the preparation and distribution of the Annual Campus Security Report as per the Campus Security Act, which requires colleges and universities to publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.

The Office of College Safety and Security works closely with several other College departments as well as the local police departments in compiling this report each year.

The Office of College Safety and Security encourages members of the Mercer County Community to use this report as a guide for safe practices both on and off campus.

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Office of College Safety and Security

The Office of College Safety and Security works to provide the members of the community with a safe and pleasant environment in which to work, and learn. This involves the protection of life and property, the enforcement of college policies, the prevention and detection of on-campus crimes and other violations, emergency response management, and other safety services. College Safety and Security's jurisdiction consists of on campus property and grounds.

The Office of College Safety and Security is located in the Welcome Center on the West Windsor Campus and at the main entrance of the James Kerney Campus in Trenton. The Office of College Safety is staffed by a Director, Commanding Officer, Lieutenant Commanders and Public Safety Officers who patrol the West Windsor Campus on foot, in vehicles, and on bicycle 24 hours a day, 365 days a year.

The James Kerney Campus located in the City of Trenton has Public Safety Officers who patrol in vehicles and on foot.

The Office of College Safety and Security is available at all times to assist members of the college community. The Office of College Safety and Security can be contacted at 609-570-3503 (non-emergencies) or by dialing extension 3200 or extension 3503 via any campus phone. The communications officer receiving the call will dispatch the appropriate Public Safety Officer(s) to the scene. In addition, there are code- blue emergency phones and red emergency phones located throughout both campus that provide direct connection to the office.

Public Safety officers are non-sworn College employees who do not have police powers. Officers are required to complete training in compliance with the Security Officer(s) Registration Act (SORA) of New Jersey. Officers are qualified in first aid, CPR-AED for the Health Care Provider and participate in ongoing training throughout the year.

The Office of College Safety's Communications Desk is staffed with trained communications officers who answer calls for service, dispatch officers and other emergency services. They also provide for Student Identification cards as well as register motor vehicles.

Campus Policing and Security

The Office of College Safety and Security maintains excellent working relationships with the West Windsor and Trenton Police Departments as well as County and State Police agencies. Information is disseminated between these agencies and the Office of College Safety in an on-going effort to maintain safe campus environments.

Serious matters of a criminal nature are promptly reported to the appropriate local police. In addition, the Office of College Safety assists victims, upon request, in contacting the police. The Office of College Safety and Security reviews all reported incidents and coordinates

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with local police in classifying and compiling reportable offenses as defined in *The Handbook for Campus Crime Reporting*.

In addition, mutual aid agreements have been established with a variety of local agencies and institutions, among them the West Windsor and Trenton Police Departments, Mercer County Sheriff's Office and the Mercer County Office of Emergency Management and area schools.

Reporting and Responding To Incidents, Criminal Actions and Emergencies

The Office of College Safety and Security encourages prompt and accurate reporting of violations of criminal law, the student Code of Conduct, and the Anti-Harassment and Non-Discrimination Policy. The Office of College Safety and Security also encourages prompt and accurate reporting of all crimes to the appropriate police agencies when the victim of a crime elects to, or is unable to, make such a report. Public Safety officers respond to on-campus locations as appropriate and are available to take reports at the office.

Violations of Mercer County Community Colleges Student Code of Conduct are adjudicated by the appropriate hearing authority. Depending on the nature of the incident involved, prosecution may take place, in accordance with New Jersey criminal law, independent of college action.

This does not preclude the ability to notify and file a report with the Office of College Safety and Security and/or local police, or to report a violation of the Anti-Harassment and Non-Discrimination Policy to the Title IX Coordinator and/or Dean of Students.

There are various ways in which members of the Mercer community and guests can report crimes and other serious incidents:

Formal complaint

A formal complaint report results when an incident report is prepared that includes victim and witness statements and results in an investigation, and if appropriate, the identification of suspects and the filing of charges. Where appropriate, suspects who are not students may be identified as *Personas Non -Grata*. Incidents involving faculty or staff may be referred to Human Resources.

Anonymous/Confidential Reporting

If you are a victim of a crime and do not want to pursue action within the College's disciplinary process or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Office of College Safety and Security will file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others.

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With such information, Mercer County Community College can keep an accurate record of the number of Incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the College.

Campus Security Authorities who are notified of crimes or other serious incidents are required to notify the Office of College Safety and security. Security Authorities are defined as an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. Pastoral and professional counselors, if and when they deem appropriate, may inform individuals whom they are counseling of appropriate procedures to report crimes on a voluntary, confidential basis. Pastoral and professional counselors who act outside of their primary role would then be required to adhere to the same reporting requirements as a Campus Security Authority.

Amnesty for Alcohol or Other Drug Use

Mercer County Community College seeks to remove any barriers to reporting. In accordance with New Jersey's "Good Samaritan" drug overdose law, signed into law by Governor Chris Christie on May 2, 2013 encourages people to call 911 for drug overdoses by giving them immunity from prosecution. An individual who reports sexual harassment or misconduct, either as a complainant or a third party, will not be subject to disciplinary action by the college for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

Monitoring and Recording Criminal Activity at Off Campus (Non-Campus) Locations

Mercer County Community College works closely with local law enforcement agencies regarding off-campus (non-campus) crimes and other serious incidents involving Mercer students.

Any findings of student misconduct are handled by the Dean of Students for any disciplinary action if appropriate. The College's Student Code of Conduct and Anti-Harassment and Non-Discrimination Policy may apply to any student conduct that occurs on college premises, at college sponsored activities, and also to off-campus (non-campus) conduct that adversely affects the college community or the pursuit of its objectives, including, but not limited to, any off-campus (non-campus) conduct that constitutes a violation of any law or municipal ordinance or any off campus conduct that poses a threat to the health, safety or

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welfare of any members of the college community. Timely warning notices may also be issued as appropriate.

Immediate Emergency Response and Evacuation Procedures

Mercer County Community College develops, reviews, and revises campus policies regarding emergency preparedness, emergency response and evacuation procedures, and campus community notifications. These policies are contained within the Colleges Emergency Operations Plan and are maintained in various offices to include College Safety, Facilities Management, and the President's Office. In addition, copies of the Emergency Operations Plan have been provided to West Windsor Police and Fire Departments as well as the Trenton Police and Fire Departments and the Mercer County Office of Emergency Management.

Emergency Notification

There may be incidents in which Mercer County Community College immediately notifies the campus community and the appropriate law enforcement agency, as warranted, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus and/or the surrounding community. Mercer County Community College senior officials may need to consult with internal and/or external resources to confirm that there is a significant emergency or dangerous situation. This will be done in a timely fashion.

Upon confirmation of a significant emergency or dangerous situation, the Director of College Safety and Security, the Chief Financial Officer/Vice President Finance and Administration or their designees will determine the content of the notification and the appropriate segment(s) of the college community to receive a notification. They will then initiate the notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notifications are issued in a variety of ways, depending on the nature of the situation or emergency. This is discussed in greater detail in the section below entitled Disseminating Information.

Timely Warnings

Mercer County Community College firmly believes in the use of timely warning notices to notify the college community of Clery Act crimes committed on campus or in the surrounding area that pose a serious or continuing threat to students and employees. Timely warning notices are issued in a timely fashion to aid in the prevention of similar crimes. Members of the Mercer community are encouraged to immediately report crimes and other serious incidents to the Office of College Safety and Security so that a timely warning notice can be issued when appropriate.

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The Director of College Safety and Security, the Chief Financial Officer/Vice President Finance and Administration or their designees determine when and how to issue a timely warning notice and are responsible for writing and initiating the notification.

Notifications can be made several ways, depending on the nature and timing of the incident(s) involved. This is discussed in greater detail in the section that follows entitled Disseminating Information. Timely warnings will withhold the names and other personally identifying information or personal information of victims as confidential.

Disseminating Information

Emergency notifications and timely warnings are issued primarily via M-Alert, the Colleges electronic notification system which is available to students, faculty and staff. M-Alert utilizes cellphone calling, texting and email. The Colleges website may be updated with appropriate information and building signage may also be deployed depending on the nature of the situation.

Mercer County Community Colleges is committed to ensuring that appropriate information is disseminated as quickly and accurately as possible in an emergency situation. To that extent, communication systems are tested on a regular basis. In addition, annual tests are conducted through scheduled drills or exercises designed for assessment and evaluation of emergency plans and capabilities. Results of those tests are documented, to include date, time, and whether they were announced or unannounced.

Daily Crime Log

The Office of College Safety and Security maintains a written, easily understood Daily Crime Log as required by the Campus Security Act.

The Daily Crime Log records, by the date the crime was reported, any crime that occurred on campus or within the Office of College Safety and Security patrol jurisdiction, in public areas immediately adjacent to or running through campus, and in certain non-campus facilities and remote classrooms. The log includes the nature, date, time, and general location of each crime reported to the Office of College Safety and Security as well as the disposition of the complaint, if known at the time the log is written. The Office of College Safety and Security makes an entry or an addition to an entry to the Daily Crime Log within two business days of receiving a report, except in certain circumstances as prescribed by the Campus Security Act.

Mercer's Daily Crime Log is available for public inspection and contains the most recent 30 day period. Any portion of the Daily Crime Log older than 60 days will be made available within two business days of a request for public inspection.

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Facilities Access and Security Maintenance

The West Windsor campus is primarily an open campus. Public Safety Officers conduct building checks during their patrols. Buildings are locked by an officer every night and are accessible when locked with college identification or issued key. Surveillance cameras record activity in various locations on campus.

The Office of College Safety and Security also works closely with Facilities Management in an on-going effort to help ensure the safety of all other buildings. Lighting illuminates all parking areas, buildings, and walkways. The Office of College Safety and Security conducts routine campus lighting surveys which are forwarded to Facilities Management for needed repairs/replacement. Members of the college community are encouraged to report any lighting deficiencies immediately to the Office of College Safety and Security or you can submit a work order directly to the Facilities Department. In addition, the Office of College Safety and Security maintains an on-call list of Facilities personnel in the event of any facilities related emergencies that occur after normal business hours.

Crime Prevention and Awareness

Crime prevention is a high priority for the Office of College Safety and Security. The Office of College Safety and Security encourages community members to be aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others.

Crime Prevention Resources and Services:

Crime prevention plays an important and significant role within the Mercer County College community. The Office of College Safety and Security operates under the assumption that they are a component of the educational process for students, faculty and staff within the community. The program relies on a cooperation approach.

During orientation times students are informed of all security and security services that are provided to the community through our Spotlight on Safety brochures similar information is presented to new employees. Safety Awareness Presentations are also offered to students, staff/faculty upon request.

Shuttle Service:

Mercer County Community Colleges provides for free shuttle services for students, faculty and staff between the main campus located in West Windsor and the James Kerney Campus located in Trenton, New Jersey. Additional shuttle service to provide from the West Windsor Campus to the Quakerbridge Mall in Lawrence, New Jersey.

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New Student Orientation:

Spotlight on Safety brochures and other printed material are presented as a formal part of new student orientation at the start of the each academic semester. Students are provided with additional resources regarding the Annual Safety Report, Student Code of Conduct Handbooks and Title 9 Policy and procedures

Crime Prevention Presentations:

Officers will conduct crime awareness and crime prevention programs upon request.

New Employee Orientation:

New employees are provided with campus safety and security information, as well as a copy of Mercer County Community Colleges Annual Safety Report and Title 9 Policy and procedures.

Event Security:

The Office of College Safety and Security works with event organizers to insure that every event being held is safe for participants.

Building Security and Fire Alarms:

All buildings on campus are monitored by STANLEY Convergent Security Solutions, Inc. For fire, smoke and other alarm related issues.

Crime Prevention and Safety Tips:

Safety and security information is provided to the Mercer Community in various printed formats: letters, memoranda, posters, "flyers", student newsletters, News and Events Update for MCCC Faculty and Staff, e-mails and other publications.

Security Alerts:

In the event that criminal or hazardous activity requires timely public notice to alert community members of potentially dangerous situations, the Office of College Safety and Security prepares and distributes security alerts via M Alert. M Alert is designed to send out messages in email, text messaging and voice. Messages are also viewed able on the college's web site.

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Mercer County Community Colleges also utilizes the ALERTUS Unified Mass Notification System to alert all or select individuals throughout our campus. The system sends messages to all computers registered on the Mercer County Community College network system.

Identification Cards:

Identification Cards are issued to each student, faculty member, staff member and authorized vendor. ID's are worn and displayed by at all times while on campus. This prevents unauthorized access to campus by non-students

Blue Light and Red Emergency Phones:

Emergency call boxes and phones are strategically located through-out the campus. This provides a direct line to the Office of College Safety and Security, 24 hours a day, 7 days a week, with just the touch of a button. These phones are connected directly to Security and Safety. No dialing is required. The Security Phone System is monitored by the Communications Officer and if a phone is activated and the Communications Officer does not receive a response, an officer is immediately dispatched to that location

Environmental Safety:

Shrubbery, trees, and other vegetation on campus were groomed and maintained and in some instances removed, minimizing areas of concealment, maximizing the current lighting across campus and in parking lot areas.

Campus Lighting:

Lighting fixtures on campus are monitored for malfunctions and work orders are submitted to repair any lighting issues. Facilities and College Safety personnel conduct a light maintenance program every month for all exterior lights.

Additional Tips

Value your safety as well as the safety of others.

Always be aware of your surroundings.

Immediately report all suspicious persons or activities, safety hazards or unsafe lighting to the Office of College Safety and Security.

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.

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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 college community to investigate all criminal matters in a timely fashion. All members of the Office of College Safety and Security 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.

Substance Abuse

Mercer County Community College believes that individual responsibility is extremely important in social choices. Substance abuse often hinders community members' ability to lead lives of productive work, enlightened living, and community involvement. The college's policy regarding alcohol and other drugs provides penalties for abuses but places major responsibility on the student for responsible decision making.

The College's Policies and Student Code of Conduct governing the use of alcohol and other drugs apply to all Mercer students and their guests. The primary responsibility for knowing and abiding by the provisions of the colleges policies rests with the individual student.

Alcohol

Mercer County Community College seeks to maintain safe and healthy campus environments that are conducive to the academic and social activities of its students. Mercer's alcohol policy fosters this safe and healthy environment and reflects the need for mutual respect and personal responsibility among the members of the Mercer community, all of whom are expected to be acquainted with, and to abide by, the Colleges policies, federal and state laws, and local ordinances related to the sale and consumption of alcohol.

The primary law enforcement agencies that enforce violations of these laws are the West Windsor and Trenton Police Departments as well as the Office of College Safety and Security.

The State of New Jersey prohibits the consumption, possession, and/or purchase of alcoholic beverages by any person under 21 years of age.

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Sanctions for violations of the alcohol policy include, among others, fines, probation, suspension, and/or dismissal from the College. Mercer's alcohol policy is published in its entirety on the website at <http://www.mccc.edu/pdf/handbook.pdf>

Drug-Free Schools and Communities Act

In response to former President George H. W. Bush's national drug control strategy, Congress passed legislation to require schools, colleges, and universities to implement and enforce drug prevention programs and policies as a condition of eligibility to receive federal financial assistance.

On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendments of 1989 (Amendments) Public Law 101-226. Section 22 of the amendments amends provisions for the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965 to require that, as a condition of receiving funds or any other form of financial assistance under any federal program after Oct. 1, 1990, a university or college must submit certification that it has adopted and implemented a drug prevention program.

As set forth in the above referenced statute, Mercer County Community College is required to provide at a minimum, an annual distribution in writing to each employee and student the following information.

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students on its property or as part of its activities;
2. A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs;
5. A clear statement of the disciplinary sanctions that Mercer County Community College will impose on employees and students and a description of termination of employment and referral for prosecution for the unlawful possession, use, or distribution of illicit drugs and alcohol. Disciplinary sanctions may also include completing an appropriate rehabilitation program; and
6. A biennial review by Mercer County Community College of its program to determine the effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

Drug Policy

Mercer County Community College does not tolerate the use or possession of any illegal substance on its campuses. The making, growing, distributing, sharing, selling and/or possession of illegal substances as defined by New Jersey statutes are

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violations of Mercer's Student Code of Conduct. Additional violations related to possession of drug paraphernalia, being in the presence of illegal substances, and being under the influence of illegal substances. The College recognizes the right of law enforcement agencies to enforce statutes pertaining to illegal substances on its campuses, including executing search and arrest warrants. Sanctions for violations of the drug policy include, among others, fines, probation, suspension, and/or dismissal from the College.

Mercer's drug policy is published in its entirety in the Student Handbook, which is available via Mercer's web site <http://www.mccc.edu/pdf/handbook.pdf>

Missing Student Notification

The law considers a student missing if her/his whereabouts is unknown for 24 hours. Any student believed to be missing for 24 hours should be reported to Office of College Safety and Security or the Dean of Students. An official report of any missing student must be immediately reported to Public Safety.

Students have the option to designate a person or persons to be notified within 24 hours if they are determined to be missing. This information is handled in a confidential manner, accessible only to authorized campus and law enforcement officials, and may not be disclosed outside of a missing person investigation.

If, upon investigation of an official missing person report, College Safety determines that a student is missing:

1. The Dean of Students or designee must, within 24 hours, notify the custodial parent/guardian and any other designated contact person(s) if the student is under the age of 18 and is non-emancipated (remaining under parental care, custody and financial support).
2. The Dean of Students or designee must, within 24 hours, notify the designated contact person(s) of any student 18 years of age or older.

Regardless of whether a student has designated a contact person, is over or under the age of 18, or is an emancipated minor, College Safety must, within 24 hours, inform the local law enforcement agency (police) of a missing student, unless the local law enforcement agency is the entity that made the determination that the student is missing.

New Jersey Campus Sexual Assault Victim's Bill of Rights

Mercer County Community College recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. The College supports the New Jersey statute that articulates requirements for policies, procedures and services designed to insure that the needs of victims are met and that all colleges and universities create and maintain communities that support human dignity.

The New Jersey Campus Sexual Assault Victim's Bill of Rights is available in its entirety as part of the College's Anti-Harassment and Non-Discrimination Policy, which is included in

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its entirety at the back of this booklet and posted on Mercer County Colleges Web site (<http://www.mccc.edu/pdf/title-ix.pdf>). As per the Bill of Rights, it is the victim's right to decide whether or not to pursue the matter with law enforcement authorities.

Anti-Harassment and Non-Discrimination Policy

As a community of educators and learners, Mercer County Community Colleges is committed to fostering an environment dedicated to learning and mutual respect as reflected in the Colleges Student Handbook and Anti-Harassment and Non-Discrimination Policy. All students, faculty, administrators and staff at the College have the right to expect an environment that allows them to enjoy the full benefits of their work or learning experience. The College, therefore, does not condone violations of its Anti-Harassment and Non-Discrimination Policy and treats all allegations about violations very seriously. As outlined in the Policy, Mercer County Community College prohibits all forms of discrimination, harassment, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking.

The College's Anti-Harassment and Non-Discrimination Policy governs the treatment of harassment and discrimination cases at Mercer County Community College including sexual harassment, sexual misconduct, sexual assault (including rape and acquaintance rape), domestic violence, dating violence and stalking. The Policy applies to such conduct that occurs on College premises, at College sponsored activities, and off-campus conduct that violates the Policy and the College believes poses a threat to the health, safety or welfare of any members of the College community or any residents of neighboring communities. The Policy applies to all students and employees, and to third-parties on College premises or at College sponsored activities.

Reporting and Responding To Sexual Assaults

See the College's Anti-Harassment and Non-Discrimination Policy beginning on page 49 of this booklet for information regarding reporting complaints of harassment, discrimination, sexual harassment, sexual misconduct, sexual assault (including rape and acquaintance rape), domestic violence, dating violence and stalking. Contact information is provided for reporting complaints along with detailed information regarding responsible employees, requesting confidentiality from the college, on and off-campus resources and assistance, protective measures and accommodations and informal and formal procedures the College follows for responding to and resolving student and employee complaints of policy violations. Also included in the Policy is more detailed information regarding the Colleges prevention and awareness programs for new and continuing students and employees regarding sexual assault, domestic violence, dating violence and stalking.

What to Do if Someone You Know Has Been Sexually Assaulted

The terms sexual assault, acquaintance rape and date rape are often used interchangeably. Sexual assault is a general term that describes all forms of unwanted sexual activity. It includes, but is not limited to, rape or attempted rape.

Assailants can be strangers, acquaintances, friends or family members. Assailants commit sexual assault by way of violence, threats, coercion, manipulation, pressure or tricks.

Sexual assault in any form is a crime and a violation of Mercer County Colleges Anti-Harassment and Non-Discrimination Policy, which is included in its entirety at the back of this booklet. Victims of sexual assault are encouraged to talk to someone about what happened so that they can get the help and support they need and the College can respond appropriately.

IMMEDIATELY following a Sexual assault:

1. Get to a safe place.
2. Call someone you trust. No matter how late it is, you should not be alone.
3. Call a friend, a family member or someone else you trust and ask them to stay with you.
4. Get immediate medical attention for possible injuries, sexually transmitted diseases, and pregnancy. Even if you think that you do not have any physical injuries, you should still have a medical examination and discuss the possibility of sexually transmitted infections with a medical provider. If you are female, you can prevent pregnancy by taking emergency contraceptive pills within 72 hours of the assault.
5. Contact the Office of College Safety and Security (609-570-3503) if you would like to be transported to a hospital for examination.
6. Do not clean up. It may be difficult to keep from cleaning yourself up, but if you do, you may destroy physical evidence that could be useful should you decide to report the assault to the police.
7. Preserve all physical evidence. Do not bathe, shower, douche, eat, drink, smoke, or urinate, if possible. Save all of the clothing you were wearing at the time of the assault. Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not disturb anything in the area where the assault occurred. Evidence can be collected at an emergency room and you can decide later whether or not you want to report the incident to the police. If the crime happened in your room or apartment, do not clean or straighten up until all evidence has been collected. Even if you are not sure about reporting the assault, it makes sense to preserve the option of reporting until you make a final decision.
8. Write down as much as you can remember about the circumstances of the assault, including a description of the assailant, his or her identity if you know it, and the use of threats or force.
9. Consider reporting the assault to the Office of College Safety and Security and/or the local law enforcement authorities.

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Reporting a sexual assault may be an important step in the recovery process and may help to prevent another assault. Reporting an incident to a College official does not mean you must also report the incident to law enforcement authorities.

As per the New Jersey Campus Sexual Assault Victim's Bill of Rights, it is the victim's choice whether or not to report the matter to law enforcement authorities.

See Mercer's Anti-Harassment and Non-Discrimination Policy beginning on page 49 of this booklet for further information.

Reports to the Title IX Coordinator can be made via email, phone, in person, and anonymously at the contact information below. Or at http://www.mccc.edu/communication_form.shtml

Dr. Mark D. Harris, Vice President, Finance and Administration
1200 Old Trenton Rd. – AD 251
West Windsor, NJ 08550
Mail to: PO Box 17202, Trenton NJ 08690
Voice Phone: (609) 570-3610
Email: harrisma@mccc.edu

Call Womanspace at 609-394-9000 or 800-572-SAFE and speak to a Rape Crisis Counselor. You can ask the counselor to activate the Mercer County Sexual Assault Response Team (SART) if you desire. The SART consists of a Sexual Assault Advocate and a Sexual Assault Nurse Examiner (SANE). You do not have to reveal your identity to the counselor.

If the Sexual Assault Response Team (SART) is activated, an Advocate and the SANE nurse will meet you at the Mercer County hospital of your choice. You also have the option of asking to have a police officer meet you at the hospital if you would like law enforcement to be notified. You DO NOT have to have law enforcement involved in order to have the advocate and SANE nurse meet you at the hospital. If you do not want police involved, they come to the hospital only to ensure that the evidence is sent to the NJ State Police Crime Lab after it is collected at the hospital. If you do not want to have police involvement right away, the evidence kit will still be kept, untested, for five years.

The following area hospitals are part of a program that allows SANE nurses to respond to and perform forensic exams after a sexual assault:

- Capital Health, Regional (Helene Fuld)
750 Brunswick Ave., Trenton NJ 08638; (609) 896-6000
- Capital Health
1 Capital Way, Pennington, NJ 08534; (609) 303-4000
- Princeton Healthcare System
1 Plainsboro Rd., Plainsboro, NJ 08536; 1(800) 460-4776

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- Robert Wood Johnson University Hospital
1 Hamilton Health Place, Hamilton, NJ 08690; (609) 584-6666

What is a SANE nurse? Being examined at a hospital may be part of the process of dealing with a sexual assault. It is important to feel safe during this examination. Having someone trained to perform these particular examinations and who understands the trauma of rape can provide this sense of safety.

1. Sexual Assault Nurse Examiners (SANE) are emergency room RNs who have completed specialized training to assist sexual assault victims. They perform
2. the physical examination, collect evidence from your body, provide you with emergency contraception, treat minor injuries, work cooperatively with law enforcement agencies and the courts, and most of all support your needs.
3. SANE nurses strive to preserve their patients' dignity and ensure that survivors are not re-traumatized by the evidence collection process.
4. SANE nurses are also trained in identifying patterned injury, documenting injuries, maintaining chain-of-evidence, and providing expert witness testimony.

Additional Services and Contact Information

Victims and their friends have the following options available to them:

Office of College Safety and Security located on the West Windsor Campus is staffed 24 hours a day, every day. The emergency number is 609-570-3503. Officers provide support and assistance. They will prepare an incident report and assist in contacting the police if the victim chooses.

Counseling: Is available on the West Windsor Campus in the Student Services Division or by calling 609-570-3354 weekdays. Victims can make an appointment with a professional counselor for a private and confidential session.

West Windsor Police Department: is located at 20 Municipal Drive, Princeton Junction, NJ or by calling 609-799-1222 or 911 in an emergency. A police officer will meet with the victim. The police officer(s) will explain their role and how they can be of assistance.

Trenton police Department: Is located at 225 N Clinton Avenue, Trenton, NJ. Or by calling 609-989-4170 or 911 in an emergency. A police officer(s) will meet with the victim. The police officer(s) will explain their role and how they can be of assistance.

Womanspace: is a 24-hour crisis and information hotline available at (609) 394-9000. Trained and sensitive counselors and advocates are available on the phone and in person to help the victim through the process and, at the victim's request, will accompany the victim to the hospital, police station, or Public Safety office. All contact with Womanspace is confidential.

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Disclosures to Victims of Sexual Assault or Other Violence

Mercer County Community College will disclose to the victim(s) of sexual assault, dating violence, domestic violence, stalking and other violent crimes the results of any disciplinary hearing conducted by the College, as per either the Student Code of Conduct or the Anti-Harassment and Non-Discrimination Policy, against the student who is the alleged perpetrator of the crime or offense. If the victim is deceased as a result of the crime or offense, the college will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Faculty and Staff Resources-Prevention and Education:

All new employees are required to attend mandatory New Employee Orientation. This training is conducted by members of our Human Resources Department. New employees received instructed on a multitude of policies and procedures. Particular focus is centered on sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, fondling and stalking.

Mercer County Community College has partnered with [EverFi](#) to provide Title IX training (Haven course) to Staff and faculty members. This online program helps to provide sexual assault prevention training across all members of diverse campus communities. The program integrates scenarios and information that are relatable to these diverse populations, highlighting the broader implications of these important issues, providing critical education on sexual harassment, connecting individuals with support resources, and discussing factors that contribute to sexual and relationship violence to encourage leadership in prevention.

In-Service training covering the Clery Act, Title IX, Violence Against Women Act, and Sexual Harassment in the form of a comprehensive prevention program for faculty and staff is conducted bi-annually during employee convocation which is held at the beginning of each school semester. Subjects include but are not limited to:

- Sex/gender harassment,
- Factors that contribute to sexual and relationship violence,
- Responsible Employee--empowerment to become a leader in prevention, and support resources
- Bystander training
- Investigation of Sex Crimes
- Civil rights investigations
- Complaint procedures and reporting
- Policy Development

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Student Prevention and Education Resources:

- Students at Mercer County Community College are introduced to Title IX through the Student Handbook, the College Website and through the Title IX brochure. Student can access the student handbook <http://www.mccc.edu/pdf/handbook.pdf>
- In addition, Mercer County Community College conducts new student orientation, at the beginning of each new semester. Student Orientation, Advising and Registration “SOAR”. During orientation Mercer's faculty advisors, counselors and administrators introduce new students to the college at an orientation held each fall and spring semester.
- The program acquaints students with the services, policies, responsibilities, and rewards of attending MCCC. Orientations generally include a packet of college information, a campus tour, and workshops on topics such as choosing a program, respecting the rights of others, study tips, and career opportunities.
- Also included is an introduction and review of Mercer County Colleges Title IX policy, the complaint form and the names of College contact persons who can receive complaints and perform investigations. Title 9 overviews and discussions are given to the Student body by Dean L. Diane Campbell. To make orientation more accessible, the College offers a webinar version of the orientation and within the webinar is Title IX information.

Additional information regarding Student Orientation, Advising and Registration “SOAR” can be accessed at: http://www.mccc.edu/admissions_orientation.shtml

- Mercer County Community College has partnered with [EverFi](#) to provide online Title IX training (Haven course) to students, which will help provide sexual assault prevention training across all members of diverse campus communities.
- The program integrates scenarios and information that are relatable to these diverse populations, highlighting the broader implications of these important issues, providing critical education on sexual harassment, connecting individuals with support resources, and discussing factors that contribute to sexual and relationship violence to encourage leadership in prevention.

Other Important Information Regarding Online Title 9 training:

- You will need Internet access and audio capabilities.
- To avoid technical issues, please use any major web browser (e.g., Firefox, Internet Explorer, Google Chrome) released within the previous two years.

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- You may take the course in multiple sittings.
- The course may include surveys to help personalize your experience and measure students' attitudes and behaviors. All survey responses are confidential; the school will only receive information about the student body as a whole and will never see individual students' answers.
- Should you experience problems, technical support is available 24/7 and can be accessed from the "Help" link within the course.
- Title IX Policy and a complaint form that students can use to submit a Title IX complaint located at : <http://www.mccc.edu/pdf/title-ix.pdf>
- Student workshops are conducted throughout the semester in partnership with Rutgers University's Office of Compliance presentations and workshops are conducted by Student Government.
- Student Life and Leadership department offers workshops on Sexual Harassment and Title 9 policies throughout the year and upon request.
- Each October Student Life and Leadership works with the student body to promote domestic violence awareness and bullying on each campuses in cooperation with Womanspace.

Campus Security Statistics

Crime Definitions from the Uniform Crime Reporting Handbook

The Campus Security Act requires that institutions provide definitions for the Clery reportable offenses that occurred in their Clery Geography. The definitions are provided under Uniform Crime Reporting (UCR) or National Incident Based Reporting System (NIBRS) as appropriate.

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 by the use of 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.) [Count one offense per victim]

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. [Count one offense per each incident]

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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. [Count one offense per incident]

Criminal Homicide-Manslaughter by Negligence: The killing of another person through gross negligence. [Count one offense per victim]

Criminal Homicide-Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. [Count one offense per victim]

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. [Count one offense per victim]

Destruction, Damage, or 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. [Count one offense per incident]

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 co-habiting with or has cohabited 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. [Count one offense per victim]

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. [Count the number of arrests *]

Intimidation (Hate Crime Handbook): To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. [Count one offense per victim]

Larceny Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded. [Count one offense per incident]

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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. [Count the number of arrests *]

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. [Classify as motor vehicle theft all cases where automobiles (including golf carts) are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.] [Count one offense per each stolen vehicle]

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. [Count one offense per incident]

Sex Offenses

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. [Count one offense per victim]

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. [Count one offense per victim]

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

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. [Count one offense per victim]

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. [Count one offense per victim]

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. [Count one offense per victim]

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 deadly weapons. [Count the number of arrests *]

*When counting multiple offenses, the FBI's Uniform Crime Reporting Hierarchy Rule is used. This requires that institutions count only the most serious offense when more than one offense is committed during a single incident. While this applies to all categories above, it is particularly relevant for weapon law, drug abuse, and liquor law violations.

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New Jersey Criminal Statutes:

The Campus Security Act requires institutions to provide the local jurisdiction definition for dating violence, domestic violence, stalking, sexual assault and consent. The definitions below are taken from Title 2C of the New Jersey Criminal Code.

Consent: a. In General. The consent of the victim to conduct charged to constitute an 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 inflictions 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 reasonable 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 harmlessness 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. *Chapter 3 of the code (entitled General Principles of Justification) primarily covers Use of Force matters.

Dating Violence: The State of New Jersey does not have a specific law regarding dating violence. It is part of the domestic violence law.

Domestic Violence: 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: Homicide, Assault, Terroristic threats, Kidnapping, Criminal restraint, False imprisonment, Sexual Assault, Criminal sexual contact, Lewdness, Criminal mischief, Burglary, Criminal trespass, Harassment, and Stalking. 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, c77 (C2A:4A-30). "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 had a child in common, or with whom the victim anticipated 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 had a dating relationship.

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Sexual Assault: An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated. Aggravated sexual assault is a crime of the first degree. b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least 4 years older than the victim. c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion, 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. Sexual assault is a crime of the second degree.

Accompanying definitions: 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 to 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.

Stalking: 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 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

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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 of the United States. f. This act shall not apply to conduct which occurs during organized group picketing.

Clery Geography Terms

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 institution 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).

On Campus Residence Halls: “Dormitories or other residential facilities for students on campus” is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus.

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.

On 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.

Hate Crimes

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purpose of this section, the categories of bias include the victim’s actual or perceived Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity and National Origin.

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For purposes of reporting under the Clery Act, a hate crime is defined as including the offenses of Murder/Non Negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle theft, Arson, Simple Assault, Larceny-theft, Intimidation, Destruction/Damage-Vandalism and any other crime involving bodily injury.

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 bone, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Criminal Mischief/Vandalism – To willfully or maliciously destroy, damage, disfigure, or deface, any public or private property, real or personal, without the consent of the owner or the person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Larceny Theft

(Except Motor Vehicle 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.

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

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

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

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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 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.

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.



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**2016 Annual Clery Crime Statistics
West Windsor Campus**

Total Crimes Reported For:	On Campus	Non Campus Building or Property	Public Property	On Campus	Non Campus Building or Property	Public Property	On Campus	Non Campus Building or Property	Public Property
Offense Type: (Includes Attempts)	2013	2013	2013	2014	2014	2014	2015	2015	2015
Murder/Negligent, Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses									
Rape	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	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	1	0	0
Arson	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft (Does Not Include Theft From vehicle)	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	1	0	0	1	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	3	0	0
Arrest:									
Liquor Law	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	1	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Action Judicial Refers For Violations Of:									
Liquor Law	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0	1	0	0

Public Property Statistics Provided By the West Windsor Police Department

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2016 Annual Clery Crime Hate Crimes Statistics

West Windsor Campus

Hate Crimes: The following statistics are reported for crimes that have manifest evidence that the victim was intentionally selected because of the victims actual or perceived Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, National Origin. R=Race, RE=Religion, Sex Orientation=SO, Gender=G, Gender Identify=GI, Disability=D, Ethnicity=E, National Origin=NO)

Criminal Offense	2013								2014								2015							
	R	RE	SO	G	GI	D	E	NO	R	RE	SO	G	GI	D	E	NO	R	RE	SO	G	GI	D	E	NO
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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**2016 Annual Clery Crime Statistics
James Kerney Campus**

Total Crimes Reported For:	On Campus	Non Campus Building or Property	Public Property	On Campus	Non Campus Building or Property	Public Property	On Campus	Non Campus Building or Property	Public Property
Offense Type: (Includes Attempts)	2013	2013	2013	2014	2014	2014	2015	2014	2015
Murder/Negligent, Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses									
Rape	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Robbery	0	0	3	0	0	4	1	0	2
Aggravated Assault	0	0	1	0	0	1	0	0	0
Burglary	1	0	0	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft (Does Not Include Theft From vehicle)	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	0	2	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrest:									
Liquor Law	0	0	0	0	0	0	0	0	0
Drugs	0	0	10	0	0	3	0	0	0
Illegal Weapons	0	0	0	0	0	1	0	0	0
Disciplinary Action Judicial Refers For Violations Of:									
Liquor Law	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0	0	0	0

Public Property Statistics Provided By the Trenton Police Department

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2016 Annual Clery Crime Hate Crimes Statistics

James Kerney Campus

Hate Crimes: The following statistics are reported for crimes that have manifest evidence that the victim was intentionally selected because of the victims actual or perceived Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, National Origin. R=Race, RE=Religion, Sex Orientation=SO, Gender=G, Gender Identify=GI, Disability=D, Ethnicity=E, National Origin=NO)

Criminal Offense	2013								2014								2015							
	R	RE	SO	G	GI	D	E	NO	R	RE	SO	G	GI	D	E	NO	R	RE	SO	G	GI	D	E	NO
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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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

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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 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 251. 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:

Dr. Mark D. Harris, Vice President, Finance and Administration
1200 Old Trenton Rd. – AD 251
West Windsor, NJ 08550
Mail to: PO Box 17202, Trenton NJ 08690
Voice Phone: (609) 570-3610
Email: harrisma@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

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New York, NY 10278
Voice Phone (800) 368-1019
FAX (212) 264-3039
TDD (800) 537-7697
Email: 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
By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)
By facsimile at (202) 514-8337

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

Dr. Jianping Wang, President
1200 Old Trenton Rd. – AD 249
West Windsor, NJ 08550
Mail to: PO Box 17202, Trenton NJ 08690
Voice Phone: (609) 570-3613
Email: wangj@mccc.edu

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. 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.

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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. 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 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, 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 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.

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- 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**

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:

- 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
- 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.

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- 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.

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:

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

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- The question of what the responding party should have known is objectively based on 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 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.
 - 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](#)

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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 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 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**

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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 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;
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

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- d. That is not speech or conduct otherwise protected by the 1st 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 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 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

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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 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 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

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limitations imposed by the 1st 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 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 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).*

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- 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, and administrators) are expected to immediately report actual or suspected 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
- Licensed Athletic trainers. the communication is privileged under state statute
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

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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 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 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 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.

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

Dr. Mark D. Harris,
Vice President, Finance and Administration
1200 Old Trenton Rd. – AD 251
West Windsor, NJ 08550
Mail to: PO Box 17202, Trenton NJ 08690
Voice Phone: (609) 570-3610
Email: harrisma@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 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

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information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

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 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

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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 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.

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

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- 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
 - 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
- 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.

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CAMPUS INTERVENTION RIGHTS:

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

STATUTORY MANDATES:

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document
- Nothing in this act or 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 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.

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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 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?

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

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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?

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, 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,

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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.

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 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?

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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?

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.

STUDENT CODE OF CONDUCT

Purpose

To maintain a campus environment that is conducive to learning, protects the College's educational purposes, maintains reasonable order on campus, and protects the rights of all members of the college community.

Policy Statement

Students enrolling in the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution and suitable to members of the academic community. This obligation extends to conduct on either college campus or at any other location as part of any college sponsored activity.

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Prohibited Conduct

An individual, a group of individuals, or a student organization may be charged with any violations of this Code. In cases where a violation is committed by an individual member of a student group or organization, the entire group or organization may be held responsible. In addition to the individual member, when those members not directly involved participated in the activity by encouraging, witnessing, or condoning the act in any manner, they too may be held responsible and charged with a breach of the Student Code of Conduct. The following conduct shall be subject to disciplinary action:

A. Academic Dishonesty

B. Alcohol Violations Possession, consumption, dispensing, selling or supplying of alcoholic beverages on property that is owned, operated, or maintained by the College, or at any other location as part of any college-sponsored activity. (See OMB 651.)

C. Bullying/Cyber Bullying

1. Bullying is any gesture or behavior that is determined to be harmful or cruel to an individual or group. These actions can be written, verbal, graphic or physical and are reasonably perceived as being motivated either by an actual or perceived characteristic, such as age, race, color, religion, ancestry, national origin, gender, affection or sexual orientation, gender identity and expression; or a mental, physical or sensory disability or impairment, nationality, sex; or by association with an social or academic group or individual; by any other distinguishing characteristic including the individual that is considered average, common, conventional, or ordinary by societal and cultural forms.
2. Cyber-bullying involves sending or posting harmful or cruel text or images using the Internet (e.g., instant messaging, e-mails, chat rooms, and social networking sites) or other digital communication devices such as cell phones. It can involve stalking, threats, harassment, impersonation, humiliation, trickery and exclusion. Such behavior is considered bullying whether it takes place on or off college property while participating in any college function, in a college vehicle or while using any college owned computing and information technology resources.

D. Computer Misuse

1. Unauthorized access, entry or use of a computer, computer system, network, soft-ware, password, account or data.
2. Use of computing facilities or equipment to send sexually explicit, harassing or abusive messages.

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3. Any other act in violation of law and/or college policies and guidelines regulating computer-related use.

E. Discrimination by Student Organizations

Selecting its membership upon the basis of restrictive clauses involving race, religion, color, national origin, gender, age, sexual orientation or disability unless said selection is specifically allowed by law.

F. Disruptive Conduct

1. Actions that impair, interfere with, or obstruct the normal operations of the College and or interfere with the rights of other members of the college community or visitors.
2. Actions that impair, interfere with, or obstruct the orderly conduct, processes and functions within any classroom or other instructional setting. This includes interfering with a faculty member's or instructor's role to carry out the normal academic or educational functions of his or her class. Actions that may cause disruption in the classroom include, but are not limited to, making or receiving phone calls and the use of text messaging while class is in progress; playing loud audio devices; persistent unapproved lateness; and any other action prohibited under this Code.
3. Participating in, leading or inciting others to disrupt authorized scheduled campus activities, events and programs.
4. Intentional obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
5. Solicitation on campus without prior approval from appropriate college officials.

G. Drugs

1. Any legally prohibited possession, use, distribution, delivery, or sale of narcotics, prescription drugs or other controlled substances.
2. Any legally prohibited possession or use of drug paraphernalia.

H. Gang and other Criminal Activity

Solicitation, recruiting, and other activities which may lead to joining or actively participating in gang or other criminal activities.

I. Failure to Comply

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1. Failure to comply with a lawful order of a college official, including a campus security officer, in the performance of his or her duty.
2. Failure to comply with the sanctions rendered during the student judicial process.

J. Falsification /Fraud/False Testimony

1. Furnishing false information to the College, including false reporting of campus emergencies, knowingly making false accusations or giving false testimony during the disciplinary process.
2. Misuse, alteration or forgery of any college related documents, records, identification, keys, access codes or property.

K. Fire and Safety

1. Damage to, removal of, or tampering with any fire safety systems, firefighting equipment or other emergency warning equipment.
2. Intentional or reckless burning or setting fire to any building or piece of property owned or controlled by the College.

L. Gambling

Gambling or participating in games of chance on campus for money or other things of value, except as provided by law.

M. Hazing

Any act that does not contribute to the positive development of a person, which inflicts or intends to cause physical or mental harm or anxieties, and/or which demeans, degrades, or disgraces any person regardless of location, intent or consent of participants that is an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization.

N. Physical Abuse and Endangerment

1. Physical violence or attempted physical violence toward another person or group.
2. Threat of physical violence against another person or group.

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3. Any action that endangers the health, safety or welfare of a person or group.
4. Attempt to harm, or actual harm to, oneself.

O. Property/Facilities/Services

1. Theft of college property or property of a member of, or visitor to, the College.
2. Damage, destruction, or defacement of college property or property of a member of the College or visitor.
3. Wrongful appropriation of college property or property of a member of the College or visitor.
4. Unauthorized possession and/or use of college property or property of a member of the College or visitor, including knowingly being in possession of stolen goods.
5. Unauthorized entry into college facilities, including, but not limited to, buildings, classrooms, hallways, entryways, conference rooms, and campus grounds.
6. Use of operation of rollerblades, skates, skateboards, bicycles, and similar items inside college facilities or other prohibited areas.

P. Sexual Misconduct/Sexual Harassment

1. Any sexual act that occurs without the consent of the other person or occurs when the other person is unable to give consent.
2. Conduct of a sexual nature that creates an intimidating, hostile or offensive campus, educational or working environment for another person. This includes unwelcome sexual advances or requests for sexual favors, inappropriate sexual or gender-based activities, comments or gestures, or other forms of verbal or physical conduct or communications constituting sexual harassment.
3. Unwelcome acts of sexual nature that denies or limits a student's ability to participate in or benefit from a school's education program.
4. Obscene or indecent behavior, which includes, but is not limited to, indecent exposure or the display of sexual behavior that would reasonably be offensive to others.
5. Physicals acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be incapable to give consent due to an intellectual or other disability. These acts include rape, sexual assault, sexual battery and sexual

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coercion.

Q. Other Harassment/Stalking

1. Non-sexual conduct that creates an intimidating, hostile, or offensive campus, educational or work environment for another person or group.
2. Non-sexual conduct that threatens, intimidates, humiliates, or otherwise harms another person or group.
3. Stalking, defined as purposely and repeatedly following another person, and engaging in a course of conduct or making a credible threat with the intent of annoying or placing that person in reasonable fear of death or bodily injury.

R. Weapons/Firearms/Explosives

Possession, storage or use on campus of firearms, pellet guns, paintball guns, gunpowder, ammunition, explosives, firecrackers, incendiary devices, or other articles or substances which could endanger health or safety.

Commission of Prohibited Conduct

If you violate the Student Code, you may be subject to disciplinary proceedings as detailed in the procedures and guidelines established by the Executive Dean for Student Affairs. Disciplinary proceedings are instituted only for violations of standards of conduct published in advance.

Whether committing acts prohibited by the Code of Conduct or encouraging or condoning others to break the code of conduct, students will be punished to the same degree. Culpability is not diminished for violations of this Code that are committed in ignorance of the Code or under the influence of alcohol, illegal drugs or improper use of controlled substances.

Violations of local ordinances, federal or state laws where said violation poses a substantial threat to the safety and or welfare of campus community members may subject the student to disciplinary proceedings. Students are responsible for compliance with all college policies and procedures.

VIII. DISCIPLINARY PROCEEDINGS: DECISIONS AND PENALTIES

(Other than those dealing with the rules of Academic Integrity)

A. Principles Governing Disciplinary Practices

1. All of the rules and regulations governing campus conduct and discipline are applicable in the classroom. While faculty members will deal with such classroom problems as may arise, individual cases may be referred to the Student Conduct and

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Discipline Committee or Academic Standards Committee for adjudication.

2. In developing responsible student conduct, disciplinary proceedings play a role secondary to providing an example, counseling, guidance, and admonition. At the same time, the college has a duty, and the disciplinary powers, to protect its educational mission through the setting of standards of scholarship and conduct for its students and through the regulation of the use of institutional facilities. In circumstances in which the preferred means fail to resolve problems of student conduct, proper procedural safeguards will be observed to protect the student from unfair imposition of serious penalties.
3. The college's administration of discipline is intended to guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. The jurisdiction of judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the students' rights to appeal a decision, are clearly formulated and communicated in advance.
4. In all situations, procedural fair play requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, that the college not be arbitrary in its actions, and that there be provision for appeal of a decision. The college's safeguards in such proceedings are designed to achieve the objective of procedural fair play.
5. The college provides students with opportunities to express concerns in the form of written grievances regarding programs, services, and allegations of discrimination.

A grievance is a student complaint and request for a specific remedy, i.e.:

- A student's belief that the college has failed to provide an entitled service.
- A student's belief that a service was inadequate.
- A student's disagreement/complaint with a decision, rule, or regulation promulgated by the college or college employee.
- A student's belief that he/she has been treated in an illegally discriminatory manner.

6. The Student Conduct and Discipline Committee shall have the right and responsibility to recommend to the administration revisions in student conduct standards, as well as proposed fines for violations of certain college rules of conduct, such as those involving smoking, drinking, overdue library materials, parking and traffic violations, to be administered by the college.

B. Judicial Procedures

1. Any member of the college community may bring charges against a student involving alleged violations of college regulations and standards of conduct. Violations of federal, state or local laws should be reported immediately to security for referral to appropriate legal authorities.

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2. Violations of college regulations and standards of conduct should be submitted promptly in a detailed report, including the names of available witnesses, to the Executive Dean for Student Affairs. The Dean shall determine the manner in which charges are heard. In instances where the health, safety or welfare of other persons are at risk, the dean may act unilaterally to suspend, expel or otherwise discipline a student. In other instances, the dean will refer the matter to the Student Conduct and Discipline Committee.
3. The student will be informed by certified mail or by hand delivery of the reasons for a disciplinary hearing at least one week prior to such hearing, except in cases of immediate suspension by the Executive Dean for Student Affairs (as above).
4. If the student does not wish to argue the charges, the Chairperson of the Student Conduct and Discipline Committee will impose disciplinary measures and penalties subject to the approval of the Student Conduct and Discipline Committee.
5. A hearing in all cases, except those involving the RULES OF ACADEMIC INTEGRITY, shall be conducted by the Student Conduct and Discipline Committee. Any member of the Committee, including officers of the college, who is personally involved in a particular case shall disqualify himself/herself from serving on the Committee.
6. The disciplinary hearing process is informal. Rules of evidence and other legal standards shall not apply. No participant will be permitted to use an attorney during the proceedings. A student may have a faculty or staff member present to assist in the process.
7. The student appearing before either of the committees will have the right to be assisted by College advisors of his/her choice. The college is not responsible for providing legal representation for the student.
8. The burden of proof shall rest upon the individual or individuals bringing charges, or upon the college where charges have been brought by an administrative official on behalf of the college.
9. The student will be given an opportunity to testify and to present evidence and witnesses on his/her behalf. He/she and his/her advisors will be allowed to hear and question adverse witnesses. In no case will the committees consider statements against the accused unless he/she has been advised of their content and of the names of those who made them. The accused shall have the opportunity to examine the evidence and to rebut unfavorable inferences which might otherwise be drawn.
10. All matters on which the decision may be based must be introduced into evidence at the proceedings before the committee, and later, upon the appeal process. The decision will be based solely upon such matter.

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11. A record of the hearings will be made.
12. A student who fails to appear for a scheduled hearing before the Student Conduct and Discipline Committee or the Academic Standards Committee is considered on disciplinary suspension until such time as he/she appears before the committee.
13. Students placed on disciplinary suspension shall not receive financial aid, scholarships, or payment for college employment.
14. A student's disciplinary status remains in effect during the appeal process.

C. Status of Student Pending Final Action

1. No change in the status of the student will be made until judicial procedures are completed except in cases of accusations of violations of public law or where violations of student conduct regulations seriously interfere with or threaten to interfere with the functioning of the college. In such cases, the Executive Dean for Student Affairs or his/her designee may suspend the accused pending the outcome of judicial proceedings.
 - a. Students involved in incidents or code of conduct violations at off-campus facilities during internships, clinical settings and externship studies may be subject to suspension or removal from the site prior to, during, or after the college judicial process. Additionally, the timeline for a hearing may deviate from the judicial process chart on page 72.
 - b. A student removed from an off-campus facility during the semester may not be relocated to another facility in the same semester. This may result in the student being unable to complete the term in progress and begin a new internship, clinical or externship in the subsequent semester pending the outcome of the college judicial process.
2. When possible and when not confronted with an emergency, a student subject to suspension under the preceding paragraph shall be given the reasons for the suspension and a notice of an opportunity for a hearing before the administrative officer on that suspension. Should the student waive his/her right to a hearing and admit guilt, the appropriate dean will determine the punitive action within five academic days.
3. In the event that a student so accused is suspended and has requested a hearing, a student conduct and discipline committee must act within ten academic days to hear his/her case.

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Sanctions:

The College Disciplinarian or Student Conduct and Discipline Committee upon finding a student guilty of a violation of the college's code of rules and conduct may recommend or mandate that the student/s fulfill one or more of the following: monetary repayment of goods or damages, educational sensitivity activities, community service, and/or counseling.

Additionally, the College Disciplinarian or Student Conduct and Discipline Committee may impose any one or more of the penalties described below.

a. Disciplinary Warning

The violation and penalty will be recorded in the files of the Office of the Executive Dean for Student Affairs, but not recorded on records or transcripts.

b. Disciplinary Probation

1. This penalty will be given for a stated period of time.
2. A student's further misconduct during this period of disciplinary probation, if adjudged as a violation of the codes of campus conduct, may lead to the penalty of disciplinary suspension or expulsion.
3. The student shall, while on disciplinary probation, be forbidden from participation in all extracurricular activities.

c. Disciplinary Suspension

1. This penalty may be given for a stated period of time or an indefinite period of time. The student must petition for readmission at the conclusion of the stated period or after one year.
2. The student is prohibited immediately from attending classes, participating in extracurricular activities, or using college facilities, but has access to counseling, and should be made aware of the availability of counseling and other referral services.
3. Notices will be sent to each faculty member in whose courses the student is enrolled.
4. The violation and penalty will be recorded in the files of the Office of the Executive Dean for Student Affairs.
5. If deemed necessary by the college, and prior to a petition for readmission, a medical or psychiatric evaluation may be required.

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d. Disciplinary Expulsion

1. This penalty calls for a permanent separation of the student from the college and its facilities.
2. All of the actions re notices taken under “disciplinary probation” will be taken.
3. Readmission will not be considered at any time.
4. The violation and penalty will be recorded in the files of the Office of the Executive Dean for Student Affairs and on the student’s permanent record.
5. The Student Conduct and Discipline Committee or the appeals process, may condition their imposition of penalties on a student’s making restitution either in kind or in the form of services in an appropriate activity.
6. Multiple or successive violations of codes of conduct may appropriately be taken into consideration when determining penalties only if introduced as evidence at the proceedings.
7. In cases involving misconduct in serious or repeated misuse of college facilities or services, a student may be prohibited from further use of such facilities of services for a specified period of time.

IX. AMENDING THE STATEMENT

1. Proposals to amend or to change this Statement may be initiated by any of the appropriate college committees: the Student Government Association, the College Governance Council, or the administration by placing any proposed amendment before the Student Life Committee.
2. Proposed amendments which are submitted to and discussed by the Student Life Committee will then be forwarded to the College Governance Council and to the Student Government Association. The Senate and the Student Government Association shall review the proposed amendment and suggest possible revisions of the amendment to the Student Life Committee.
3. The Student Life Committee will consider the suggested revisions and incorporate them if appropriate. The proposed amendment, together with the committee’s recommendation, will be forwarded to the president.
4. The Board of Trustees will review recommendations submitted to it and will either approve, approve with modifications, or disapprove such amendments. The Board reserves the right to make such changes in college policies, by-laws, codes, rules and regulations as it deems necessary and proper in carrying out its legal responsibilities for the conduct and management of the college.