

BERKELEY COLLEGE
Clifton, NJ Campus
Campus Security & Crime Report – Calendar Year 2014

Introduction¹

The security of our campus and the safety of students, faculty, staff and visitors are responsibilities shared by every member of the Berkeley College community. The Berkeley College Office of Public Safety, however, has primary responsibility and oversight with regard to the safety and security of the Berkeley College community. The Office of Public Safety works in close cooperation with the Campus Operating Officer, the Office for Student Development and Campus Life, the Operations Department, the Office of the General Counsel, and local law enforcement, fire safety and emergency management authorities to that end.

Access to the Campus

The Campus is open to the public during regular operational hours (Monday through Thursday 7am to 10pm; Fridays 7am to 5 pm; and Saturdays 9am to 3:00pm). After that time, the building is locked.

Security Patrols and Monitoring

Uniformed campus security personnel patrol the campus on a regular schedule. While the security guards are neither armed nor empowered to arrest, they, and the Office of Public Safety, work closely with the Clifton Police, who may be reached at (973) 470-5900, and who respond rapidly to any request for assistance. The security guards work closely with the Office of Public Safety; the Office for Student Development and Campus Life; and the Campus Operating Officer, who have the authority to take appropriate disciplinary action in response to dangerous or inappropriate behavior. Berkeley College has a Memorandum of Understanding in place with the Clifton Police Department, outlining the responsibilities of both parties and mutual cooperation, in the event of criminal activity on campus (in Clery geography), including incidents of sexual misconduct, intimate partner violence and stalking.

Campus security personnel conduct periodic video patrols to monitor activity, while the campus is open for business, in and around the parking lots, walkways, open grounds, building entrances, elevators and designated rooms and offices. The cameras digitally record activity 24/7, which is stored for approximately 1 month. The campus is also equipped with burglar and fire alarms as well as an emergency lighting system.

Maintenance personnel inspect the entire campus and buildings regularly to detect and remedy health, safety, or maintenance problems. Security-related maintenance issues (such as lights, doors, windows or locks in need of repair) are reported promptly to the Office of Public Safety.

¹ Effective July 1, 2013, Dover Business College (which was formerly located in part at this Clifton location) merged into Berkeley College. The Clifton location began operating as an approved Berkeley location on July 1, 2013. Berkeley classes officially began at the Clifton location on or about July 8, 2013. The crime statistics contained herein for 2012 were thus provided to Berkeley College by Dover Business College.

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Reporting a Crime or a Threat

Notwithstanding the presence of professional security personnel, each member of the College community shares a responsibility to help maintain the safety of our campus. If you witness an emergency situation, or the commission of a serious crime, or perceive a situation to be an immediate threat to your safety or the safety of others, or you are a victim yourself, you should immediately dial "911" or call the Clifton Police Department at (973) 470-5262. You should also call the Office of Public Safety (973-278-5400 x1194) or Campus Security (973-546-0123 x5782) *but only after* reporting the matter to the Police. If you witness a crime that does *not* involve bodily injury, such as a theft, you should report the matter promptly to the Office of Public Safety (973-278-5400 x1194) or Campus Security (973-546-0123 x5782). College personnel who receive a report of past criminal activity of any kind shall promptly report the incident to the Office of Public Safety (x1194). Reports of theft or other crimes that do not involve bodily injury will usually be investigated by College officials. If, however, the victim of such crime wishes to report the matter to the Clifton Police Department, the Office of Public Safety will assist the victim in that process, if the victim so requests.

There may be instances in which a victim of a crime is reluctant to file a police report, which is typically treated as a public record under state law. In such situations, the victim should consider making a confidential report to the College, by disclosing the matter to a Campus "Personal Counselor." With the victim's permission, an authorized College official may file a police report on the details of the incident without revealing the victim's identity. Doing so may help protect others from danger.

Campus Personal Counselors who acquire confidential information in the course of providing counseling services are not considered to be a "campus security authority" and therefore are not *required* to report crimes for investigation by College officials or for inclusion in the annual disclosure of crime statistics. Personal Counselors may *choose*, however, to disclose Clery reportable crimes to the Office of Public Safety for inclusion in the Crime Report, without revealing the identity of the parties. Personal Counselors are the only designated/recognized confidential resource at the College. In any case, Personal Counselors are encouraged to inform victims who seek counseling of all of their reporting options.

Timely Warnings

If and when a situation arises, either on or off campus, that designated College officials believe presents an on-going threat to the safety of the Berkeley College community, the College will issue a campus-wide "timely warning." The warning will be issued using one or more of the following methods: BERK-ALERT (text, email or voice messages to registered phones); e-mail to Berkeley College e-mail addresses, postings on our website (www.berkeleycollege.edu) or Blackboard intranet (<https://my.berkeleycollege.edu>), media announcements, and portable public address equipment. The College shall provide such warnings in a way that withholds the names of victims. In the event of an emergency, Berkeley College's Information Line (1-800-446-5400)

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will become an Information Hotline Number that will provide information to the general public. (See also the 'Timely Warning' section on page 9 herein, in the context of sexual assault, intimate partner violence and stalking cases.)

Informational Programs Addressing Sexual Assault, Domestic Violence, Dating Violence and Stalking and General Security Awareness

Students

Student orientation programs are offered to all new students each quarter. These orientation programs include a review of policies and procedures related to conduct and behavior expected of students. In addition, orientation includes presentations and information on topics including sexual assault, domestic violence, dating violence, stalking, risk reduction, safe and positive options for bystander intervention and bias crimes and the availability of both on-campus and off-campus counseling, on-campus and off campus reporting options, and other resources. With regard to sexual assault, consent in the context of sexual activity, domestic violence, dating violence and stalking, students are provided with the definitions of these crimes in New York and/or New Jersey, as well as the definitions contained in College policy.

Resources and information on drug and alcohol abuse is also shared with students at orientation and educational programming on this topic is also offered to students throughout the year.

All new degree students receive additional education and information on sexual assault and sexual misconduct, on-campus and off-campus reporting options and resources in their required first year GEC123 seminar.

In addition to orientation programs and first year seminar presentations, the Berkeley College Student Development and Campus Life Department offers an average of 2-3 programs per month, per campus location, to students throughout the year on the following topics: healthy relationships, communication and consent; sexual assault; dating violence; domestic violence; stalking; abusive relationships; bystander intervention skills; risk awareness and prevention strategies; and self-defense. These programs both reiterate what was provided at orientation and provide more targeted instruction relating to some additional topics.

Associates

The Berkeley College Orientation Program is offered to all new Berkeley College associates each week. Included in this orientation, among other things, is information pertaining to Berkeley College policies and procedures on the topics of sexual harassment, sexual assault, dating violence, domestic violence and stalking (both College definitions and NJ/NY definitions of these crimes are referenced). Information is also provided regarding the availability of both on-campus and off campus reporting options and other resources and assistance. New associates are required to complete an on-line mandatory training in these areas and are provided with links to policies/procedures in these areas, as well as links to drug and alcohol abuse materials.

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Human Resources is currently building upon its training and awareness program for new associates to include information on risk reduction and safe and positive options for bystander intervention.

Human Resources has developed a training and awareness program for existing associates to include information on sexual harassment, sexual assault, dating violence, domestic violence, stalking, risk reduction and safe and positive options for bystander intervention. This program includes both College Policy definitions and NJ/NY definitions of the VAWA crimes.

Human Resources also requires all existing associates to take a Prevention of Sexual Harassment online training on a regular basis.

Faculty, and other College staff with frequent student interaction, have already attended sexual assault, dating violence, domestic violence and stalking training and awareness programs – these programs are ongoing. Moreover, any College staff involved with investigating these types of incidents undergo annual training on all pertinent issues, including, but not limited to, assessing credibility; protecting the safety of all parties involved; and promoting transparency and accountability of the process.

Human Resources and Student Development and Campus Life are planning to coordinate some of their respective VAWA training and awareness programs.

Students and Associates

In addition to training and awareness programs, the College has created a brochure, providing education, reporting options, rights, options and on-campus and off-campus resources in the context of sexual assault, intimate partner violence and stalking (“VAWA Brochure”). Although this Brochure is given to student and/or associate complainants who report these crimes to College officials, Student Development and Human Resources also utilize them at trainings, orientations and other public awareness events that they sponsor.

The College is also in the process of building a Title IX/VAWA web page(s) on the College website to provide education, policies and procedures, reporting options, rights, options and resources in the contexts of Title IX and VAWA.

Students and associates are offered information and safety tips regarding crimes against property; dating and domestic violence; date rape prevention; emergency management; identity theft prevention; residence hall safety tips; fire safety and general safety and security tips, via the Office of Public Safety website; Berkeley College Online webinars and Counseling Services blogs; Berkeley College social media sites; and on-campus poster campaigns.

The Office of Public Safety also sponsored, and offered to both students and associates, live programs on general security perspectives and recommendations, emergency response, crime reporting requirements and classroom safety.

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Weapons

With limited, carefully circumscribed exceptions for certain law enforcement personnel, no one is permitted to carry a weapon on campus. Violators of this policy will be subject to disciplinary action, up to and/or including suspension, dismissal, or termination of employment. To the extent that it deems appropriate, the College may also refer such incidents to appropriate law enforcement authorities for further action and, to the extent required or permitted by law, notify the parents or legal guardians of students who are non-emancipated minors.

Alcoholic Beverages & Illegal Drugs

Berkeley College has a robust Alcohol and Drug prevention program designed to provide students with relevant and accurate drug and alcohol information, including the risks associated with these substances, and to promote healthy choices and low-risk taking behaviors. This goal is achieved through educational programming, alcohol and drug screenings and assessments, staff trainings, and other resources that focus on prevention, education and treatment options. In addition to programming, the Alcohol and Drug program includes the availability of personal counselors, sponsoring alcohol and drug free student activities, and alcohol and drug curriculum infusion.

Berkeley College strictly prohibits the possession, sale, use, or distribution of illegal drugs and drug paraphernalia; the misuse/abuse or redistribution of drugs obtained lawfully; and the unauthorized possession or consumption of alcohol, on any College property, in College vehicles, or at any College related activity. It is also a violation of Berkeley's Alcohol and Drug Policy and Program for one Berkeley student or associate to coerce, even subtly, another Berkeley student or associate to use drugs or alcohol. The Student Alcohol and Drug Policy can be found here - http://berkeleycollege.edu/files_bc/Alcohol_and_Drug_Policy_Students.pdf - and the Associate Policy can be found here - http://berkeleycollege.edu/files_bc/Alcohol_and_Drug_Policy_Associates.pdf.

The sale or possession of any controlled substance, including marijuana, is illegal under both federal and state law, and such laws are strictly enforced by College authorities. A list of federal, state, and local laws pertaining to drug and alcohol use and abuse, health risks associated with drug and alcohol abuse, as well as a list of resources and support programs, can be found in the College policies referenced above.

Students who violate Berkeley's Alcohol and Drug Policy and Program are subject to disciplinary action. Based upon an evaluation of the relevant circumstances, such disciplinary action may include, in the sole discretion of the College and without limitation, warnings (oral or written); referral to Berkeley personal counselors; mandatory completion of a substance abuse rehabilitation program; suspension; or immediate dismissal from the College.

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Associates who violate Berkeley's Alcohol and Drug Policy and Program are also subject to disciplinary action. Based upon an evaluation of the relevant circumstances, such disciplinary action may include, in the sole discretion of the College and without limitation, warnings (oral or written); mandatory completion of a substance abuse rehabilitation program; suspension (with or without pay); or immediate termination of employment.

To the extent it deems appropriate, the College may also refer such violations to appropriate law enforcement authorities for further action and, to the extent required or permitted by law, notify the parents or legal guardians of students who are non-emancipated minors. Convictions involving certain drug-related crimes may also disqualify students from receiving financial aid under federally-subsidized programs.

Sexual Assault, Domestic Violence, Dating Violence and Stalking (Title IX² and VAWA³)

Berkeley College prohibits the offenses of sexual assault, domestic violence, dating violence (domestic violence and dating violence shall hereafter be referred to as “**intimate partner violence**”) and stalking.⁴

According to Berkeley College's Equal Opportunity Policy⁵:

Sexual assault is a crime prohibited by state law, and is also considered a form of sexual harassment⁶ prohibited by Title IX of the Education Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688) and the VAWA. Sexual assault includes any sexual act directed against

² Non-VAWA Title IX offenses, such as sexual discrimination, sexual harassment and sexual exploitation, are not generally included in this Crime Report – either in the policy statements or crime stats -as they fall outside of VAWA's scope.

³ Violence Against Women Reauthorization Act of 2013.

⁴ For the offenses of sexual assault, domestic violence, dating violence and stalking, the statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act. During training and awareness programs, students and/or associates shall be informed of the NJ and/or NY definitions of these crimes.

⁵ To see Berkeley College's Equal Opportunity Policy in its entirety, as well as the Associate and Student Equal Opportunity Complaint Procedures, go here: http://berkeleycollege.edu/files_bc/Equal_Opportunity_Policy.pdf http://berkeleycollege.edu/files_bc/Equal_Opportunity_Complaint_Procedures_Associates.pdf and http://berkeleycollege.edu/files_bc/Equal_Opportunity_Complaint_Procedures_for_Students.pdf

⁶ Sexual harassment may involve an attempt by someone in a position of power to require sexual favors in exchange for providing opportunities, benefits or services, or alternatively, denying said opportunities, benefits or services when such sexual advances have been rejected. Sexual harassment may also involve unwelcome verbal, physical or expressive behavior of a sexual nature (including, but not limited to, graphic verbal commentary about a person's body; sexually degrading words to describe an individual; the display of sexually suggestive objects or pictures; repeated and unwelcome flirtation or requests for “dates”; sexual slurs and jokes; inquiries about a person's sexual habits; and unnecessary touching) that is sufficiently severe, persistent or pervasive as to create a hostile employment environment or unreasonably interfere with a student's ability to participate in or benefit from the College's educational programs or activities. **Sexual harassment can also include sexual assault.**

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another person involving the use of force; against that person's will; in violation of law; or under circumstances where the victim is deemed physically, mentally, or legally incapable of giving consent.

Consent to a sexual act requires a clear, affirmative, current, and mutual agreement to take or permit such action. Consent may not be presumed from a person's silence or acquiescence, manner of dress, previous conduct, voluntary participation in other activities, or consent to another sexual act. It may be withdrawn at any time, in which case the activity must cease immediately. Consent does not vary based upon an individual's gender, sexual orientation, gender identity, or gender expression. It cannot be obtained by physical force, threats, or intimidation; and it cannot be given by a person who is under the legal age of consent or incapacitated by alcohol or drug usage, disability, or other circumstances that would seriously compromise a reasonable person's ability to make decisions. Although consent need not be verbal, verbal communication is often the most reliable means of ensuring consent to sexual activity.

Intimate partner violence, which is also referred to as **dating violence**, **domestic violence** and **relationship violence**, can be a state law crime and is prohibited by the VAWA. It includes any act of violence or threatened violence against an individual by a person who is, or has been, involved in a sexual, dating, domestic or other intimate relationship with that individual. Intimate partner violence can encompass a broad range of behavior, including but not limited to physical violence, sexual violence, emotional violence and economic abuse. It may take the form of threats, assault, property damage, and violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. The offending act need not be sexual in nature to be considered "intimate partner violence" if it occurs within or in connection with a past or present sexual or romantic relationship.

Stalking, which can be a state law crime and is prohibited by the VAWA, is generally a pattern of repeated and unwanted attention, harassment, communications, contact or any other course of conduct directed at a specific person that would cause a reasonable person to become alarmed or be in fear of harm or injury, including physical, psychological or emotional harm. Stalking may include repeatedly telephoning or following someone in a way that causes alarm or discomfort or cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass, intimidate, threaten or make unwelcome contact with another person. Stalking generally involves one person's obsessive and unwanted behavior toward another person.

Reporting (Not Confidential)

Students should direct complaints involving sexual assault, intimate partner violence and stalking to the **Deputy Title IX Coordinator for Students**, as follows:

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Cheryl Howell, Assistant Vice President, Student Development and Campus Life, cheryl-howell@berkeleycollege.edu, 212-986-4343, x4245.

Associates should direct complaints involving sexual assault, intimate partner violence and stalking to the Deputy **Title IX Coordinator for Associates**, who can be reached as follows:

Karen Carpentieri, Vice President of Human Resources, kjc@berkeleycollege.edu ; 201-291-1111 x5162.

Students and/or associates may also direct these VAWA related inquiries or complaints to the designated **Title IX Coordinator** for Berkeley College - who serves as the overall College coordinator for Title IX and VAWA compliance - Dallas F. Reed, Vice President, Student Development and Campus Life, who can be reached at 212-986-4343, x4211; titleixcoordinator@berkeleycollege.edu.

The College will treat any such matter confidentially to the extent possible under the circumstances. However, anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior or policy violations are discovered. If a request for confidentiality is made, the College shall weigh the confidentiality request against the alleged accused's potential danger to the College community. Regardless of whether confidentiality can be maintained, the College will endeavor to protect the privacy of those involved in these matters and only share information on a "need to know" basis.

Reporting (Confidential)

Students seeking confidential assistance should consider making a confidential report to a college "Personal Counselor," located at each campus location. College Personal Counselors who acquire confidential information in the course of providing counseling services are not required to report the matter to the Title IX Coordinators. **Personal Counselors are the only designated/recognized confidential resource at the College.** Nevertheless, Personal Counselors are encouraged to inform students who seek confidential counseling of all of their reporting options and resources, both inside and outside the College.

Associates seeking confidential assistance concerning sexual assault, intimate partner violence, or stalking (among other issues) may contact the Employee Assistance Program ("EAP") by calling 1-800-767-5320, a confidential, toll-free crisis line. The EAP is available regardless of whether an incident is reported to the College or law enforcement. Reports to the EAP, however, will not be provided to the College and will not result in investigation or disciplinary action by the College.

Emergency Action

If you are a victim of a sexual assault, intimate partner violence, or stalking, your first priority should be to get to a place of safety and/or call 911 for emergency assistance. You should then obtain any necessary medical treatment. The College urges victims of sexual assault, intimate

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partner violence or stalking to report such incidents as soon as possible to the local police or medical personnel, if warranted. Alternatively, you may report the incident to a College official, such as a Deputy Title IX Coordinator, the Title IX Coordinator, or the College Public Safety Department, who will discuss reporting options, available support services on and off campus, safety concerns, and other important topics. Keep in mind that reporting an incident of sexual assault, intimate partner violence, or stalking promptly may be critical to preserving and collecting important evidence of the incident.

The victim of a sexual assault, intimate partner violence or stalking may choose to have an investigation pursued through the criminal justice system and/or College disciplinary proceedings, if the alleged accused is a member of the College community. The appropriate Deputy Title IX Coordinator will guide the victim through the available options. In all cases, however, the Public Safety Department in conjunction with the appropriate Deputy Title IX Coordinator will initiate such investigation and responsive action as it deems necessary and appropriate to maintain the safety of the College community.

Timely Warning

Any College official who receives a report of a sexual assault, intimate partner violence, or stalking on or adjacent to College property must promptly report the matter to a Deputy Title IX Coordinator, the Title IX Coordinator, or the Public Safety Department. In accordance with College policy, upon receipt of information indicating a possible threat to the well-being of the College community, the College shall promptly determine whether a “timely warning” should be issued to the College community. If warnings are deemed necessary for the safety of the College community, then the Public Safety Department, in consultation with the Office of the General Counsel, the Office of Communications & External Relations, and College management, shall promptly issue such warnings in a way that withholds the name of the victim(s).

Rights, Options, Interim Measures and Resources

Upon receiving a report involving sexual assault, intimate partner violence, or stalking, and pending the completion of any related investigation, the appropriate Deputy Title IX Coordinator or (designee) shall inform and assist the complainant (and both parties to the extent deemed appropriate) concerning the following:

- a. the complainant’s reporting options, and offer complainant assistance therewith if requested, such as (i) reporting to local law enforcement; and/or (ii) pursuing an investigation through College disciplinary proceedings (if the alleged accused is a member of the College community) and the procedures governing any such College disciplinary proceedings; or (iii) the option to decline to notify any such authorities;
- b. the complainant’s rights and College responsibility regarding orders of protection, restraining orders, etc.;

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- c. if requested, assistance with potential change of living (if applicable), academic, transportation and/or working assignments, and other immediate actions, to the extent reasonably available (the College will attempt to maintain the confidentiality of such assistance, if possible);
- d. the possibility of no-contact orders and/or suspension of one or more individuals, during the pendency of the investigation;
- e. the existence of the on-campus confidential counseling for students; and the Employee Assistance Program for confidential assistance for associates;
- f. the existence of, contact information for, and assistance with off-campus medical, mental health and other appropriate resources; and
- g. the potential importance of taking prompt action to preserve evidence.

These rights, options, interim measures and resources shall be both explained to the complainant orally and given to the complainant in writing, via the VAWA Brochure. The Deputy Title IX Coordinator shall be empowered to take any steps deemed necessary to maintain order and protect both parties and the Berkeley College community, during the pendency of the investigation.

Investigation⁷

The College will fairly and promptly investigate⁸ any sexual assault, intimate partner violence or stalking complaints against a member of the Berkeley College community, or occurring on or adjacent to College property, or in connection with a College-sponsored activity, and will make a reasonable effort to conclude such investigation within sixty (60) days, as circumstances permit. Those College officials investigating such complaints will receive relevant and pertinent annual training relating thereto.

An investigation of alleged sexual assault, intimate partner violence or stalking involving a student shall be coordinated by the Deputy Title IX Coordinator for Students, with the assistance of the Berkeley College Public Safety Department, if necessary, and shall afford an opportunity for both the complainant and the accused to make an oral or written statement outside the presence of the other (which, if oral, shall not be formally transcribed); if the complainant makes a written statement, the accused will be given an opportunity to review it

⁷ In VAWA cases where both the complainant and accused are **associates**, the *Equal Opportunity Complaint Procedures for Associates* shall be followed. (See footnote 5 herein for the link/URL.)

⁸ Once a report of sexual assault, intimate partner violence or stalking has been made to the Deputy Title IX Coordinator, the Coordinator will make a threshold determination as to whether there is sufficient information/evidence to indicate that a violation of College (VAWA) policy has occurred, thus triggering a College VAWA investigation. The Deputy Title IX Coordinator (with consultation of others if necessary) has the discretion to determine that a VAWA investigation is NOT warranted, under the facts and circumstances of any given case. The College may nevertheless still investigate the matter, but pursuant to a non-VAWA investigatory track.

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and provide a written response to it, within a designated period of time. Both the complainant and the accused shall be allowed to offer pertinent witnesses or other evidence that the College deems appropriate, under the circumstances. The parties' prior sexual history shall not be deemed relevant to any determination reached. Both parties will be afforded similar and timely access to any documentary, photographic or physical evidence that will be used to reach a determination, including access to any written statements or other written evidence, as well as an oral summary of any pertinent testimony given during the investigation, but not to include notes prepared by a College investigator.

At the conclusion of the investigation, the Deputy Title IX Coordinator for Students shall prepare findings and recommendations for submission to the Title IX Coordinator. The Title IX Coordinator shall then reach a determination, based upon a preponderance of the evidence, after considering all of the relevant information and the recommendation of the Deputy Title IX Coordinator. Once the investigation is complete, and a determination has been reached, the College shall promptly take such action as it deems appropriate under the circumstances.

Sanctions imposed by the institution following a VAWA disciplinary proceeding may include, but are not limited to, oral or written warning/probation, mandatory counseling, education and training requirements, no-contact orders, changes to academic, working or living arrangements (if applicable), revocation of campus privileges, suspension and dismissal/termination.

Both the complainant and the accused will be informed simultaneously in writing of the determination of the Title IX Coordinator, the basis for the determination, and any sanctions, as appropriate. Such disclosure to both parties does not violate the Family Educational Rights and Privacy Act ("FERPA").

Advisors

During a sexual assault, intimate partner violence or stalking investigation, upon request of a party, the Deputy Title IX Coordinator shall grant permission for a party to be accompanied by one advisor of his or her choice in any formal interview of that party or adjudicatory proceeding at which that party is present.

Any such advisor may not present evidence, question witnesses or otherwise interrupt or participate in the proceedings. The parties are responsible for presenting evidence on their own behalf. If, in the sole judgment of the Deputy Title IX Coordinator, the advisor violates any of these rules of conduct, the Deputy Title IX Coordinator has the discretion to exclude the advisor from the meeting/proceeding, which may then continue.

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Appeals⁹

Any party may appeal the decision of the Title IX Coordinator within ten (10) business days of its issuance (the “Appeal Period”).

Parties wishing to appeal may do so only by (1) notifying the **Deputy Title IX Coordinator for Students** in writing of the party’s intent to appeal, and (2) submitting a written statement prior to the expiration of the Appeal Period.

In her sole discretion, the Deputy Title IX Coordinator for Students may grant a brief extension of the Appeal Period for good cause shown upon a party’s written request, and such extension shall apply to all parties.

The Deputy Title IX Coordinator for Students shall advise all parties of any party’s intention to appeal and furnish each party copies of any appeal statements simultaneously. If one party submits a written statement during the Appeal Period, the other party will be given an opportunity to submit a written statement in response, within a designated time period.

Determinations by the Title IX Coordinator will only be overturned or modified on appeal to the extent that (i) the determination is arbitrary, based upon a misunderstanding or misstatement of material facts, or not reasonably supported by the evidence; (ii) serious procedural errors undermined the integrity of the process; or (iii) the interests of justice require that the determination be modified or overturned.

The College will appoint a senior College official to decide an appeal based upon the appeal statement(s) and the original record; and the decision of the reviewing official will be final. Whenever practicable, such review will be completed within thirty (30) business days, and both parties will be informed of the result simultaneously in writing.

⁹ Again, in cases where both parties are associates, the *Equal Opportunity Complaint Procedures for Associates* shall be followed. (See footnote 5 herein for the link/URL.)

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Additional information and hotline assistance are available at:

National Hotlines:

Drug Abuse Hotline	800-662-4357
CDC AIDS Information	800-232-4636
National Runaway Hotline	800-621-4000
Missing & Exploited Children	800-843-5678
Youth Crisis Hotline	888-222-2228
Poison Control Center	800-222-1222

Clifton Resources:

Ambulance & Police 24 Hours	911 & Police 973-470-5262
Drug Hotline (NJ)	800-914-6742
Suicide Crisis Hotline	800-273-TALK
Emotional and Substance Abuse	800 LIFENET
NJ AIDS Hotline	800-624-2377
Coalition for Battered Women	888-883-2323
Passaic County Women's Center	973-861-1450

Annual Disclosure of Crime Statistics

Federal law requires the College to prepare and circulate this Campus Security & Crime Report each year. The report must include specified crime statistics for the previous 3 years. The Office of the General Counsel oversees preparation of the report in close cooperation with the Office of Public Safety. The campus crime, arrest, and referral statistics that follow include incidents reported to designated campus officials (including, but not limited to, the Campus Operating Officer, the Office of Public Safety and the Office for Student Development and Campus Life). Statistics compiled by local law enforcement authorities are also reflected to the extent that they have been furnished to the College.

Each year, enrolled students, faculty and staff receive an email, on or before October 1st, alerting them to both a description of and location for this Report, namely, at the Berkeley College website, Public Safety page (go to <http://www.berkeleycollege.edu/CampusSecurity/PublicSafety/index.htm> then select *Security Reports*.) Paper copies are also available upon request by contacting the Office of Public Safety at 973-278-5400 x1194. This Report is also available to prospective students and prospective employees.

Campus crime data is also available from the United States Department of Education website at <http://.ope.ed.gov/security>.

Federal regulations also require the College to inform the campus community that registered sex offenders are listed on the internet at http://www.njsp.org/info/reg_sexoffend.html.

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Offense (Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities	Unfounded
Murder/Non Negligent Manslaughter	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Negligent Manslaughter	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Sex Offenses: Rape	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Sex Offenses: Statutory Rape	2012	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2014	0	0	0	0	NA	0
Sex Offenses: Fondling	2012	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2014	0	0	0	0	NA	0
Sex Offenses: Incest	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Robbery	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Aggravated Assault	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Burglary	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Motor Vehicle Theft	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	2	0	2	NA	0
Liquor Law Arrests	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Drug Law Arrests	2014	0	3	0	3	NA	0
	2013	0	0	0	0	NA	0
	2012	0	2	0	2	NA	0
Weapons Law Arrests	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Liquor Law Violations Referred for Disciplinary Action	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Drug Law Violations Referred for Disciplinary Action	2014	0	0	0	0	NA	0
	2013	3	0	0	3	NA	0
	2012	0	0	0	0	NA	0
Weapons Law Violations Referred for Disciplinary Action	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0

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Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities	Unfounded
Arson	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	0	0	0	0	NA	0
Domestic Violence	2014	0	2	0	2	NA	0
	2013	0	0	0	0	NA	0
	2012	X	X	X	X	NA	X
Dating Violence	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	X	X	X	X	NA	X
Stalking	2014	0	0	0	0	NA	0
	2013	0	0	0	0	NA	0
	2012	X	X	X	X	NA	X

Note 1: Referrals for disciplinary action include incidents where no arrest occurred, but the matter was referred for internal disciplinary action.

Note 2: There were no hate crimes reported for 2014, 2013, or 2012.

Note 3: Domestic Violence, Dating Violence and Stalking were added to the list of Clery reportable crimes in 2014, pursuant to the Reauthorized VAWA; the College made a good faith effort to include stats, to the extent they existed, for 2013.

Note 4: This report does include Clifton police statistics

Note 5: The Campus has no off-campus housing (“non-campus property”), nor off-campus student organizations, but has off-campus sports practice facilities (“non-campus property”).

Emergency Response Procedures

The College has a detailed Emergency Management Plan that provides for the safety of the Berkeley College community in the event of a serious emergency or threat involving the Clifton Campus. The plan identifies members of the Emergency Management Team; outlines their respective roles and responsibilities in declaring and responding to an emergency; and specifies procedures, safety equipment, methods of communication (to the campus and the larger community), and emergency services contact information. Unannounced building evacuation procedures are held periodically and the emergency notification system is used at various times throughout the year, thereby verifying its availability in an emergency situation. The Office of Public Safety publicizes emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff. A detailed summary of the Plan is set forth below.

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Policy Statement and Objectives of the Plan

The purpose of the Berkeley College Emergency Management Master Plan is to establish policies, procedures and an organizational structure for response to emergencies throughout the Berkeley College System. The Plan contains clear strategies and roles played by the campus based Emergency Management Team during the initial response and throughout the emergency. The Plan also outlines the responsibilities of the **Crisis Management Team** consisting of the College President and senior administrators. Nothing in this plan shall be construed in a manner that limits the use of good judgment and common sense in matters not foreseen or covered by the elements of the plan.

Organizational Statement, Roles and Responsibilities

The Emergency Management Plan is a campus based plan that guides the **Emergency Management Team** during a major emergency. The Campus Operating Officer or his/her designee on each campus would act as the **EMT Leader**. His or her responsibilities would include:

- Ensuring that notification is made to emergency responders (police department, fire department, emergency medical services, etc.).
- Coordinating with responding emergency services personnel.
- Ensuring that notification is made to the Emergency Management Team (EMT) along with the Crisis Management Team (CMT).
- Determining if a lock down or a full or partial evacuation of any building is necessary and initiating that process if warranted.

Notifications

A master list of College officials' office, home and cell phone numbers is kept at each campus. Contact numbers for emergency service units (Fire, Police, EMS) along with Government agencies (Office of Emergency Management, Board of Health, Environmental Protection Agency, Poison Control Center, American Red Cross, Federal Office of Emergency Management and the National Response Center for Chemical, Oil and Chemical/Biological Terrorism) are also maintained in the Emergency Management Plan. Medical facilities, utility companies (electricity, water, gas, and telephone) and contractors (elevator, plumbing, electrical, sprinkler, hazardous material cleanup, and smoke/fire restoration) are maintained along with emergency contact numbers for all current staff, faculty and students. A list of local housing facilities (hotels, inns) and alternative mass transit contact numbers are also included in the plan.

Emergency Equipment

The Command Center on each campus will be equipped with:

- Flashlights
- Spare batteries
- Portable public address equipment (bullhorns)
- Dusk masks and protective gloves
- First aid kits (Appropriate for the number of people on the campus at any given time)
- Floor plans for all campus buildings

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- Battery operated radio
- Telephones
- Walkie-talkie radios with chargers
- Pads and Pens

Emergency Management Team

The Campus Operating Officer on each campus has identified an **Emergency Management Team (EMT)**. Under their direction the **EMT** will be responsible for assessment and implementation of emergency procedures (evacuations, lockdowns, crowd control, access controls and coordination with responding emergency services.) The **EMT** consists of representatives from, or will work in concert with the:

- Office of Public Safety, (and/or a security guard), who will make the initial notification to the Emergency Management Services;
- Buildings & Grounds Department, who will be in charge of damage control, equipment shutdown, emergency power hookups and structural and utility assessment;
- Office of Student Development (where applicable) who will deal with student and housing issues and will provide counseling services before and after the emergency;
- Department of Information Systems who will maintain communication systems;
- Other designated personnel.

The EMT is Responsible for

- Setting up the Command Center and establishing communication (television, radios, computers, telephones, internet, walkie-talkie radios).
- Maintaining current reports indicating which staff, faculty, students and guests are scheduled to be on campus.
- Compiling information regarding all students, staff and visitors on campus at the time of the emergency (as accurately as realistically possible).
- Maintaining all emergency contact lists (emergency agencies, medical services, temporary housing and shelters, available transportation etc.)
- Monitoring all sources of information (television, radio, Internet, word of mouth, social media. etc.). They will also receive information from the scene of the emergency and advise the **EMT leader**.
- Assisting the Office of Communications and External Relations by providing situational updates and in handling media issues.
- Communicating with the College Community.
- Perform any other assignments at the direction of the **EMT Leader** (COO or his/her designee).

Crisis Management Team

In the event of a major emergency, an executive level Crisis Management Team will be assembled in the President's Office at NYC and/or the Executive Offices at WPK, to manage the

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College's total response and recovery effort. The Crisis Management Team will include the President and his senior administrative staff. The CMT will also include the Assistant Vice President of Communications and External Relations, who will provide information to the media only as authorized by the College President or his designee. (Berkeley College has a Crisis Media Policy as part of its Plan.) As the emergency response is ongoing, basic information on the nature and scope of damage being caused by the emergency will be provided to the **Crisis Management Team** by the campus **Emergency Management Team**. The President or his designee will declare a state of emergency throughout the entire system. The COO will declare a state of emergency on a specific campus.

Communication with the Campus Community and General Public

The campus Command Centers provide for several redundant methods of communication with the campus community and general public during and after an emergency. Depending on the type of emergency and the type of information to be disseminated, the Command Center can use any one or a combination of the following methods to provide information: alerts from the Office of Public Safety, electronic mail, website, social media, voice mail, phone tree implementation, media announcements, portable and or stationary public address equipment (bullhorns) and the BERK-ALERT emergency mass notification system.

In the event of an emergency, Berkeley College's 800 Information Line, (1-800-446-5400) will become an Information Hotline Number that will provide information regarding individuals confirmed to be on Campus. Designated personnel will answer the hotline calls to provide basic information obtained from the campus **Emergency Management Team**. (Berkeley College has a Disaster Information Policy as part of its Master Plan.)

The **Emergency Management Team**, in conjunction with the **Crisis Management Team** will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Community Roles

Each community member has a role to play during an emergency:

- **Role of Students:** All students should familiarize themselves with the emergency procedures and evacuation routes in buildings they live in or use frequently. Students must be prepared to assess situations quickly but thoroughly, and use common sense in determining a course of action. They should evacuate buildings in an orderly manner when an alarm sounds or when directed to do so by emergency personnel. They should evacuate to pre-designated Emergency Assembly Area. The Office for Student Development and Campus Life provides training to help students know what to do in emergencies and how they can prepare ahead of time.

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- **Role of Faculty and Staff:** All members of the faculty and staff should familiarize themselves with emergency procedures and evacuation routes. Employees must be prepared to assess situations quickly and thoroughly, and use common sense in determining a course of action. They should follow the regular procedures to report a fire or other emergency that requires immediate attention and evacuate the building (except when otherwise instructed) to a pre-designated Emergency Assembly Area in an orderly manner.

Evacuation Guidelines

Notification to evacuate a building will be made by means of the fire alarm, hand held public address horns, telephones, word of mouth or any other means that may be available at that time. In the event of a fire, Berkeley College employees, visitors and students are required to evacuate the building. In non-fire emergencies, a decision to evacuate should be based on the worst-case scenario. Consideration will be given to the specific threat (bomb threat, explosion, hazardous material incident etc.), its context (time of day, its likelihood etc.) and the recommendation of public safety officials. When the order is given to evacuate a building for any reason, the procedure is basically the same. Occupants are instructed to follow life safety survival skills, not to use elevators and to evacuate by way of the nearest safe stairway. They are instructed to exit the building and proceed to a pre-designated Emergency Assembly Area. If a decision is made not to evacuate, **Emergency Management Team** members will have the responsibility to pass the word throughout the building or the entire campus. (Emergency Assembly Areas are listed in the Campus Specifics designated as Appendices of its Plan).

Lock Down Procedures

A decision to implement the lock down procedure will be made by the Emergency Management Team leader, or local law enforcement and notification of a lock down will be made by means of hand held public address horns, telephones, word of mouth or any other means that may be available at that time.

In the event of a lock down, you will be instructed to either simply remain inside the building or to move quickly out of common areas and into the nearest classroom or office. Once you are in a room, you are to secure the door with any means possible, including barricading it with furniture, cover the window to the room preventing anyone from seeing inside and spread out. College staff or law enforcement officials will come to each room or notify the occupants when the lock down has ended.

Mass Notification System (BERK-ALERT)

COOs as well as their designees have the ability to send out mass notification to students, faculty and staff, via e-mail, text messaging, telephone (cell, home, or business) pertaining to any emergency situation that will impact the College community. Directions on how to sign up for the BERK-ALERT can be found on the College website at http://berkeleycollege.edu/berkeley_bc/2590.htm