

**BERKELEY COLLEGE**  
**New York City Midtown**  
**Campus Security & Crime Report – Calendar Year 2015**

**Introduction**

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 Friday 7am to 10pm; Saturday 7am to 5pm). After that time, the building is locked.

**Security Patrols and Monitoring**

Uniformed campus security personnel are stationed on the ground floor when the campus is open to the public and can be reached at 212-986-4343 x 4241 (43<sup>rd</sup> Street) and x4315 (41<sup>st</sup> Street). The 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 New York City Police, who may be reached at (212) 239-9811, 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 NYC 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 building is open for business, in the building entrances, elevators, stairwells 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.

**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

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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 New York City Police Department at (212) 239-9811. You should also call the Office of Public Safety (973-278-5400 x1194) or Campus Security (212-986-4343 x4241 (43<sup>rd</sup> St.) or x4315 (41<sup>st</sup> St.)) *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 (212-986-4343 x4241 - 43<sup>rd</sup> St. or x4315 - 41<sup>st</sup> St.). 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 New York City 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 or witness to 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 or witness should consider seeking confidential assistance from the College, by discussing the matter with a Campus "Personal Counselor." The College provides Personal Counselors to whom a victim or witness may disclose the commission of a crime in confidence. Upon receiving such information, the Counselor (who is not considered a "campus security authority") is not obligated to report the crime to College officials for investigation or for inclusion in the Annual Security Report. College policy does, however, require the Counselor to inform the victim or witness that the victim or witness may authorize the Counselor to report the crime, without identifying the victim or witness, to the Office of Public Safety for possible inclusion in the Annual Security Report. In addition, with the permission of the victim or witness, an authorized College official may file a police report on the details of the incident without revealing the identity of the victim or witness. Doing so may help protect others from danger. In all cases, the College strongly encourages Personal Counselors, who are the College's only designated confidential resource, to inform victims or witnesses of all appropriate reporting options, both inside and outside the College.

### **Timely Warnings**

In the event that the Department of Public Safety becomes aware of a dangerous or criminal situation that has occurred on, or near, any campus, and there is reason to believe that a perpetrator(s) is still at large, and/or there exists a serious or continuing threat to the campus community, the AVP for Public Safety or his designee will initiate a conversation regarding the issuing of a Timely Warning Notification. This conversation will include the Campus Operating Officer, the VP for Student Development and Campus Life (or her designee) and an attorney from the Office of General Counsel. The AVP for Public Safety will provide to the group his rationale for the need for the Notification, and specify to what population it will be directed. In the event that an investigation is needed to verify the validity of the original crime or threat, the decision to notify may be delayed until such time as the threat can be verified. The above-

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described group will decide whether to issue a Notification and its content. The Public Safety Department will issue the Notification.

The Notification 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](http://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) will become an Information Hotline Number that will provide information to the general public. (*See also* the 'Timely Warning' section on page 11 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 semester. 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 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/SOC1123 seminar.

In addition to orientation programs and first year seminar presentations, the Berkeley College Student Development and Campus Life Department offers an average of 1-3 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.

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Furthermore, Student Development and Campus Life staff have been trained by the *One Love Foundation* to facilitate the “Escalation” workshop for Berkeley College students. One Love was founded in 2010 by the Love family, following the death of University of Virginia student Yeardeley Love who was beaten to death by her ex-boyfriend. The Escalation workshop is a film that educates students about relationship violence and about responsible bystander intervention. After viewing the film, SDCL staff facilitate a discussion with students. During the 90 minute workshop, students are again presented with campus, local and national resources related to relationship violence, sexual assault and stalking. The facilitated discussion is based around these issues and also includes educational discussion on topics of consent, bystander intervention strategies and risk reduction strategies as they relate primarily to relationship violence, but also to sexual assault and stalking. Staff facilitate the Escalation workshop primarily in classes, including GEC123/SOC1123 first year seminar classes.

Additionally, the Personal Counselors at Berkeley College Online engage and educate students on VAWA and Title IX related issues through Blackboard, blog articles and social media posts.

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 the topics of sexual harassment, sexual assault, dating violence, domestic violence and stalking, risk reduction and safe and positive options for bystander intervention (both College definitions and NJ/NY definitions of the VAWA offenses are referenced). College Policies and Procedures relating to VAWA offenses are also covered. 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.

Human Resources instituted 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 offenses.

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 attended sexual assault, dating violence, domestic violence and stalking training and awareness programs – these programs are ongoing. Moreover, any College staff involved with investigating or adjudicating these types of incidents undergo annual training on all pertinent issues, including, but not limited to, assessing credibility and evidence; protecting the safety of all parties involved; avoiding actual and perceived conflicts of interest; and promoting transparency and accountability of the process.

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Students and Associates

In addition to training and awareness programs, the College created a Title IX/VAWA web page(s), located on the College website, to provide education, policies and procedures, reporting options, rights, interim measures, sanctions and on-campus and off-campus resources in the contexts of Title IX and VAWA. The web page URL and link is:

[http://berkeleycollege.edu/berkeley\\_bc/title-ix.htm](http://berkeleycollege.edu/berkeley_bc/title-ix.htm) Student Development and Campus Life staff and Human Resources staff advertise the web page(s) to students and staff, respectively.

In addition to the Title IX/VAWA web pages, the College created a brochure, providing general education, information on preservation of evidence, information on prevention of violence, reporting options, rights, tips and on-campus and off-campus resources in the context of sexual assault, intimate partner violence and stalking (“VAWA Brochure”). This Brochure is given to student and/or associate complainants who report these offenses to College officials; and Student Development and Human Resources utilize them at trainings, orientations and other public awareness events that they sponsor. The VAWA Brochure is also located on the College Title IX/VAWA web page here: [http://berkeleycollege.edu/files\\_bc/VAWA\\_Brochure.pdf](http://berkeleycollege.edu/files_bc/VAWA_Brochure.pdf)

The Berkeley College Offices of Public Safety and Student Development and Campus Life offer students and associates presentations, information and safety tips on a variety of topics throughout the year. Subjects include preventing crimes against property, dating and domestic violence, date rape prevention, emergency management preparation and response, identity theft prevention, situational awareness, residence hall safety, active shooter response, fire safety, classroom safety and city safety. Safety presentations can be specifically oriented (i.e. International Students; safety abroad), or for general audiences. The Public Safety website also offers safety tips. The College also offers online webinars, online safety training for associates and Counseling Service blogs. Berkeley College Social media sites and on-campus poster campaigns also target health, safety and crime prevention.

The College sponsors an annual forum on security related topics featuring state and national experts, which is open to staff, students and the public. Past topics have included protecting critical infrastructure, medical field threats and social media concerns in the context of public safety.

**Weapons**

With limited, carefully circumscribed exceptions for certain law enforcement personnel, no one is permitted to carry a weapon on campus. Violators of this College 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.

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**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.

Moreover, the College has a Drug and Alcohol Prevention Task Force charged with conducting Biennial Reviews of the College Drug and Alcohol prevention program; drafting Biennial Reports; and ensuring that the College otherwise complies with the Drug-Free Schools and Communities Act. Biennial Reports generally include descriptions and assessments of the College drug and alcohol program; policies; policy distribution; policy enforcement, violations and sanctions; strengths and weaknesses of the College program/programming; and recommendations for the next biennial. The College's Counseling and Wellness Office, which is part of the Office of Student Development and Campus Life, oversees the College's Drug and Alcohol Program and maintains the Biennial Reports.

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 sale, 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](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](http://berkeleycollege.edu/files_bc/Alcohol_and_Drug_Policy_Associates.pdf).

The sale or possession of alcohol and any controlled substance, including marijuana, is governed by federal and state law, and such laws are strictly enforced by College authorities. A list of federal, state, and local laws pertaining to the sale, possession and consumption of drugs and alcohol, 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 IX<sup>1</sup> and VAWA<sup>2</sup>)**

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.<sup>3</sup>

According to Berkeley College’s Equal Opportunity Policy<sup>4</sup>:

**Sexual assault** is a crime prohibited by state law, and is also considered a form of sexual harassment<sup>5</sup> prohibited by Title IX of the Education Amendments of 1972 (Title 20 U.S.C.

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<sup>1</sup> 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.

<sup>2</sup> Violence Against Women Reauthorization Act of 2013.

<sup>3</sup> For the offenses of sexual assault, domestic violence, dating violence and stalking, the statistics in this ASR are compiled in accordance with the definitions used in the Violence Against Women Act. During training and awareness programs, students and/or associates are informed of the NJ and/or NY definitions of these offenses and College Policy definitions.

<sup>4</sup> 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_Policy.pdf) [http://berkeleycollege.edu/files\\_bc/Equal\\_Opportunity\\_Complaint\\_Procedures\\_Associates.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](http://berkeleycollege.edu/files_bc/Equal_Opportunity_Complaint_Procedures_for_Students.pdf)

<sup>5</sup> 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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Sections 1681-1688) and the VAWA. Sexual assault includes any sexual act directed against 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.

**Affirmative Consent** to a sexual act requires a clear, affirmative, current, and mutual agreement to take or permit such action. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent; nor does a person's manner of dress, previous conduct, voluntary participation in other activities, or consent to another sexual act. The definition of affirmative consent does not vary based upon an individual's gender, sexual orientation, gender identity, or gender expression. Although consent need not be verbal, verbal communication is often the most reliable means of ensuring consent to sexual activity.

Affirmative consent to sexual activity may be withdrawn at any time, in which case the activity must cease immediately; and 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.

**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.



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As stated on page 5 herein, the College created a Title IX/VAWA web page(s), located on the College website, to provide education, policies and procedures, reporting options, rights, interim measures and on-campus and off-campus resources in the contexts of Title IX and VAWA. The website URL and link is: [http://berkeleycollege.edu/berkeley\\_bc/title-ix.htm](http://berkeleycollege.edu/berkeley_bc/title-ix.htm)

The College also created a brochure, providing general education, information on preservation of evidence, information on prevention of violence, reporting options, rights, tips and on-campus and off-campus resources in the context of sexual assault, intimate partner violence and stalking (“VAWA Brochure”). This Brochure is given to student and/or associate complainants who report these offenses to College officials; and Student Development and Human Resources utilize them at trainings, orientations and other public awareness events that they sponsor. The VAWA Brochure is also located on the College Title IX/VAWA web page here: [http://berkeleycollege.edu/files\\_bc/VAWA\\_Brochure.pdf](http://berkeleycollege.edu/files_bc/VAWA_Brochure.pdf)

**Reporting (Not Confidential)**

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

Ashante Barnes-Connor, Assistant Dean, Student Development and Campus Life,  
[ABA@BerkeleyCollege.edu](mailto:ABA@BerkeleyCollege.edu), 973-278-5400 ext. 5757; and

Heather Eaton-Dwyer, Assistant Dean, Student Development and Campus Life,  
[HED@BerkeleyCollege.edu](mailto:HED@BerkeleyCollege.edu), 973-642-3888 ext. 1309.

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](mailto: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](mailto: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. In all cases, a complainant’s

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personally identifiable information will not be included in any publicly available record-keeping, including Clery Act reporting or the Daily Crime Log.

**Confidential Assistance**

Students seeking confidential assistance should consider speaking in confidence 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. (See also “*Reporting a Crime or a Threat*” on pages 1-2 herein).

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 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.

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**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 it to the Public Safety Department. In accordance with College policy and procedures, and as stated on pages 2-3 herein, the AVP for Public Safety or his designee will initiate a conversation regarding the issuing of a Timely Warning Notification. This conversation will include the Campus Operating Officer, the Title IX Coordinator (or her designee) and an attorney from the Office of General Counsel. The AVP for Public Safety will provide to the group his rationale for the need for the Notification, and specify to what population it will be directed. In the event that an investigation is needed to verify the validity of the original crime or threat, the decision to notify may be delayed until such time as the threat can be verified. The above-described group will decide whether to issue a Notification and its content. The Public Safety Department will issue the Notification, in a way that withholds the name of the alleged 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 and provide 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.;
- c. if requested, arranging change of living location (if applicable), academic schedule, transportation and/or working assignments, and other immediate changes or 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;

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- 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, also found here: [http://berkeleycollege.edu/files\\_bc/VAWA\\_Brochure.pdf](http://berkeleycollege.edu/files_bc/VAWA_Brochure.pdf). 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.

**Investigation**<sup>6</sup>

The College will fairly and promptly investigate<sup>7</sup> 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 and adjudicating such complaints will receive relevant and pertinent annual training relating thereto, as detailed on page 4 herein.

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 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.

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<sup>6</sup> In VAWA cases where both the complainant and accused are **associates**, the *Equal Opportunity Complaint Procedures for Associates* shall be followed. (See footnote 4 herein for the link/URL.)

<sup>7</sup> 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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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 (length of which, and reinstatement conditions, shall depend upon the nature and severity of the offense) 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, any sanctions, as appropriate, and appeal procedures. 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.

### **Appeals**<sup>8</sup>

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.

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<sup>8</sup> Again, in cases where both parties are associates, the *Equal Opportunity Complaint Procedures for Associates* shall be followed. (See footnote 4 herein for the link/URL.)

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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.

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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	800-442-4673
Poison Control Center	800-222-1222

New York City Resources:

Ambulance & Police 24 Hours	911 & Police 212-239-9811
Crime and Rape Victim Hotline	212-577-7777
Suicide Help Line	212-673-3000
Teen/Adult Domestic Violence	800-621-HOPE
Emotional and Substance Abuse	800 LIFENET
NYC DOH AIDS Hotline	866-637-2342
Center for Substance Abuse	917-336-8463
Al Anon Family Group	800-356-9996
Poison Control Center	800-222-1222

**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 and specified security related policy statements. 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 – “campus security authorities” - (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 1<sup>st</sup>, alerting them to both a description of and location for this Report, namely, at the Berkeley College website, Public Safety page (go to [http://berkeleycollege.edu/berkeley\\_bc/2040.htm](http://berkeleycollege.edu/berkeley_bc/2040.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://www.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.criminaljustice.ny.gov/nsor/>

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OFFENSE	YEAR	New York City Midtown Campus Manhattan, N.Y.			
		ON CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
RAPE	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
FONDLING	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
INCEST	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
STATUTORY RAPE	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
ROBBERY	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
AGGRAVATED ASSAULT	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
BURGLARY	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
MOTOR VEHICLE THEFT	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
ARSON	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0



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OFFENSE	YEAR	New York City Midtown Campus Manhattan, N.Y.			
		ON CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
DATING VIOLENCE	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
STALKING	2015	0	0	0	0
	2014	0	0	0	0
	2013	2	0	0	0

OFFENSE	YEAR	New York City Midtown Campus Manhattan, N.Y.			
		ON CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS: CARRYING, POSSESING, ETC.	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESING, ETC.	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2015	0	0	0	0
	2014	1	0	0	0
	2013	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0

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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 2015, 2014 or 2013.

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 New York City police statistics.

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

Note 6: In the case of a violent crime or non-forcible sex offense (Incest or Statutory Rape), the College will, upon written request, disclose to the alleged victim of such crime or offense, the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

**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 New York City Midtown 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 emergency drills are held periodically and the emergency notification system is tested 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.

**Policy Statement and Objectives of the Plan**

The AVP of the Public Safety Department, Campus Operating Officer, Vice President of Operations and Senior VP of Operations shall jointly confirm that there is an emergency, triggering the Emergency Management Master 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.

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

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**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 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

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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**.

**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.
- **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.

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**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 in the 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](http://berkeleycollege.edu/berkeley_bc/2590.htm)