

BERKELEY COLLEGE
New York City
Campus Security & Crime Report – Calendar Year 2023

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 Thursday 7am to 10pm; Friday and Saturday 7am to 5pm). After that time, the buildings are 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 (43rd Street) and x4315 (41st 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 Midtown South Precinct of the NYPD, who respond rapidly to any request for assistance. They can be reached at (212) 239-9811 for non-emergencies and 911 for emergencies.

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 and the footage 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.

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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 New York City Police Department at (212) 239-9811. You should also call Campus Security (212-986-4343 x4241 (43rd St.) or x4315 (41st 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 Campus Security (212-986-4343 x4241 - 43rd St. or x4315 - 41st St.). College personnel who receive a report of past criminal activity of any kind shall promptly report the incident to Campus Security (212-986-4343 x4241 (43rd St.) or x4315 (41st St.)) 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 student 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 for students, to inform victims or witnesses of all appropriate reporting options, both inside and outside the College.

The Office of Public Safety maintains a daily crime log, which contains allegations of criminal acts that have been reported. The log is updated within 48 hours of the report being received and details information including: the nature of the crime, the general location, the date and time it occurred, the date it was reported, and the disposition. The crime log is maintained at the main security desk. The most recent 60 days of the log is available for viewing during regular business hours. For entries older than 60 days, arrangements can be made through the Office of Public Safety for viewing within 2 business days.

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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-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); email to Berkeley College email addresses, postings on our website (www.berkeleycollege.edu) and/or the Engage portal (https://engage.berkeleycollege.edu/default/student_portal/index), 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 15 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 and readmitted 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, affirmative consent, 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, affirmative 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 are also shared with students at orientation and educational programming on this topic is offered to students throughout the year.

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All new degree students receive additional education and information on sexual assault and sexual misconduct, and on-campus and off-campus reporting options and resources in their required first year SOC1123 seminar.

In addition to orientation programs and first year seminar presentations, the Berkeley College Student Development and Campus Life Department (SDCL) offers an average of 1-3 programs per semester, per campus location, to students throughout the year on the following topics: healthy relationships, communication and consent; sexual assault; sexual harassment; dating violence; domestic violence; stalking; abusive relationships; bystander intervention skills; and risk awareness and prevention strategies. These programs reinforce information that was reviewed at orientation and provide more targeted instruction relating to some additional topics.

Student Orientations and educational programs related to sexual assault, domestic violence, dating, violence and stalking are provided in person on campus, as well as virtually (via ZOOM).

Furthermore, SDCL staff have been trained by the *One Love Foundation* to facilitate the “Escalation” workshop for Berkeley College students. SDCL staff have also used the One Love Training Dashboard to complete training to facilitate additional One Love educational workshops for our students. In 2023, Student Development and Campus Life, Personal Counseling, and Accessibility Services created a new series of workshops called Berkeley Love using the educational materials developed by One Love. Students who attend a minimum of 3 of the 9 workshops offered throughout the academic year earn a certificate of accomplishment.

One Love was founded in 2010 by the Love family, following the death of University of Virginia student Yeardley Love who was beaten to death by her ex-boyfriend. One Love workshops are designed to educate students about relationship violence, the signs of healthy and unhealthy relationships, communicating boundaries and practicing consent, about responsible bystander intervention, how to help a friend or family member, and how and where to access resources on and off campus. Prohibited behaviors addressed include sexual assault, sexual harassment, dating violence, and stalking,

SDCL staff facilitate these workshops in classes, and in trainings for student athletes, student leaders and student employees. All One Love workshops except for Escalation are offered virtually and onsite. Escalation, at the request of One Love, can only be facilitated in person.

Finally, the Personal Counselors engage and educate students on the Violence Against Women Act (VAWA) and Title IX related issues through blog articles, the College’s internal social media platform called Yammer (renamed Viva Engage in 2023) and social media posts.

Associates

The Berkeley College Orientation Program is offered to all new full-time Berkeley College associates. 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

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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. All new associates are required to complete an online 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 also requires all *existing* associates to complete a training and awareness program, on a regular basis, 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.

Moreover, any College staff involved with intake and 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; promoting transparency and accountability of the process, as well as the new training topics required by the May 2020 Federal Title IX rules.

Students and Associates

In addition to training and awareness programs, the College promotes its Title IX/VAWA web page, located on the College website, which contains education, policies and procedures, climate survey information, reporting options, rights, supportive 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 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 page, the College distributes a brochure, providing general education, information on preservation of evidence, information on prevention of violence and on-campus and off-campus resources in the context of sexual assault, intimate partner violence and stalking (“VAWA Brochure”). Since March 2020, this Brochure has been distributed electronically. This Brochure, as well as the applicable Procedures, 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: <https://berkeleycollege.edu/pdf/vawa-brochure.pdf>

The Berkeley College Offices of Public Safety and Student Development and Campus Life offer students and associates presentations, information, and/or 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, active shooter response, fire safety, classroom safety and city safety. Safety presentations can be specifically oriented (i.e., international students; safety abroad),

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or for general audiences. The Public Safety website also offers safety tips. The College also offers online webinars and online safety training for associates.

The College sponsors forums on security-related topics every few years featuring state and national experts, which are open to staff, students and the public. Past topics have included protecting critical infrastructure, medical field threats, domestic terrorism and social media concerns in the context of public safety.

Weapons

With limited, carefully circumscribed exceptions for certain law enforcement and active military 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.

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 as well as recreational marijuana obtained lawfully; 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.

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The Student Alcohol and Drug Policy can be found here - <https://berkeleycollege.edu/pdf/alcohol-and-drug-policy-students.pdf> and the Associate Policy can be found here - <https://berkeleycollege.edu/pdf/alcohol-and-drug-policy-associates.pdf>

The sale or possession of alcohol, marijuana and any controlled substance, is governed by federal and state law, and such laws are strictly enforced by College authorities. A list of some 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.

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.

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Sexual Assault, Domestic Violence, Dating Violence and Stalking (Title IX¹, VAWA and NY 129-B²)

Berkeley College prohibits the offenses of sexual assault, domestic violence, dating violence and stalking.³

According to the Berkeley College Title IX Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy⁴:

Sexual Assault: Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see below for definition of **consent**, including **incapacitation**). Sexual contact includes:

- sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
- sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.
- attempts to commit sexual assault.

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

¹ College Title IX policy and procedures set forth in this ASR apply to more than just VAWA offenses (i.e. Title IX Sex Discrimination, Sex-Based Harassment and sexual exploitation). However, we have tried to limit the language of our policy statements in this ASR to **just** "VAWA offenses." The crime stats do NOT include sex discrimination, sex-based harassment and sexual exploitation, as they fall outside the scope of VAWA.

² Violence Against Women Reauthorization Act of 2013, as well as NY Education Law Article 129-B of 2015. Because Berkeley College has a campus location in NYS, Berkeley College is in compliance with NY 129-B - a state law that is similar to the federal VAWA. Although some 129-B variations are not required by VAWA (Clery), they are nevertheless included in this Report where they change or effect sexual misconduct related policies, practices and procedures on the ground at Berkeley College. Generally speaking, references to VAWA incidents and VAWA compliance in this Report include 129-B incidents and compliance.

³ 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.

⁴ To see the Berkeley College Title IX Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy in its entirety, go here: <https://berkeleycollege.edu/pdf/Title-IX-Policy.pdf>

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sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon an individual's sex, 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.

Consent to any one or prior sexual act does not constitute consent to any other or future sexual act. Consent to sexual activity may be withdrawn at any time, in which case the activity must cease immediately. Consent cannot be obtained by physical force, threats, or intimidation. Consent is required regardless of whether the person *initiating* the act is under the influence of drugs and/or alcohol.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or can exist if an individual's ability to make decisions is otherwise compromised. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given by a person who is under the legal age of consent. In addition, consent cannot be given by an individual with a mental, intellectual, physical or other disability that renders him/her incapable of giving consent.

Minors (individuals under age 18 for purposes of College policy and consistent with New York law) are legally incapable to consent to any sexual activity with an adult; therefore, there is no such thing as consensual sexual activity between a minor and an adult member of the College community. The College strictly prohibits sexual activity of any type between adult associates and minors in connection with any of its programs or activities. Any reports or Complaints of unlawful sexual activity involving minors will be reported to appropriate law enforcement and social services agencies consistent with New York state law.

Dating and Domestic Violence: Dating and Domestic Violence includes any act of violence against a Complainant who is or has been involved in a sexual, dating, domestic, or other intimate relationship with the Respondent, or against a person with whom the Respondent has sought to have such a relationship, as follows:

Dating Violence: includes any act of violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;

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- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

Domestic Violence: includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under New Jersey and/or New York state law, respectively; or by any other person against an adult or minor Complainant who is protected from that person's acts under New Jersey and/or New York state law, respectively.

Dating or Domestic Violence may also include Sexual Assault, Sexual Exploitation and Stalking.

Stalking: Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of 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.

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, supportive 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

The College also created a brochure, providing general education, information on preservation of evidence, information on prevention of violence and on-campus and off-campus resources in the context of sexual assault, intimate partner violence and stalking ("VAWA Brochure" or "Resource Brochure"). This Brochure, along with the applicable College Procedures, is given to student and/or associate Complainants who report these offenses to College officials; and Student Development and Human Resources utilize the Brochure 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: <https://berkeleycollege.edu/pdf/vawa-brochure.pdf>

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Reporting Options for Students

1(a). Non-Confidential Reporting

- Students can direct Title IX, VAWA or 129-B related complaints to, consult with, and/or file a report involving such matters with, the Deputy Title IX Coordinator for Students as follows: LaTysha Gaines, MPA, Campus Operating Officer, LaTysha-Gaines@BerkeleyCollege.edu, 973-368-9857.⁵ The Deputy Title IX Coordinator shall promptly inform the Title IX Coordinator of any Title IX, VAWA or 129-B related inquiries or complaints of which she becomes aware.
- Students may also direct Title IX, VAWA or 129-B related inquiries, complaints, and/or reports to the designated Title IX Coordinator for Berkeley College - who serves as the overall College coordinator for Title IX, VAWA and NY 129-B compliance - Sherrille Shabazz, Vice President, Student Development and Campus Life, who can be reached at 646-948-1361⁶, titleixcoordinator@berkeleycollege.edu
- Students may also report these matters to College Public Safety, local law enforcement and/or the NY state police (if applicable). The Title IX Coordinator and/or the College Public Safety Department can assist students with contacting local law enforcement and/or the NY state police, upon request.
- Where the Respondent is a Berkeley College associate, students may report these types of incidents to the College's Deputy Title IX Coordinator for Associates: Karen Carpentieri, VP for Human Resources, kjc@berkeleycollege.edu, 201-291-1111 x5162 or have the right to request that a confidential or private employee assist in reporting to Deputy Title IX Coordinator for Associates.
- Students may contact the U.S. Department of Education, Office for Civil Rights with Title IX related complaints, at 800-421-3481 or ocr@ed.gov
- Students can decline to notify any such authorities or individuals.

1(b). 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 shall inform students who seek confidential counseling of all of their reporting options and resources, both inside and outside the College. Students may disclose confidentially the incident and obtain services from state and/or local government services and hotlines.

⁵ Available before and after normal business hours at 973-368-9857.

⁶ Available before and after normal business hours at 646-948-1361.

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See http://berkeleycollege.edu/berkeley_bc/title-ix-resources-and-education.htm for more details and information.

1(c). Reporting Obligations of Associates Who Learn about Title IX, VAWA or 129-B Allegations – “Responsible Employees”

College faculty or staff (other than Personal Counselors) who receive reports or complaints of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, intimate partner violence, or stalking involving students are considered “Responsible Employees” under Title IX and shall promptly notify the Deputy Title IX Coordinator for Students or the Title IX Coordinator.

1(d). Information Learned at Public Awareness and Advocacy Events

Neither Title IX Coordinators nor associates are obligated to attend public awareness events such as “Take Back the Night;” but if a Responsible Employee attends and learns information about Sexual Misconduct, they are obligated to report it to the Title IX Coordinator. When the Title IX Coordinator is notified of information about conduct that reasonably may constitute a VAWA offense that was provided by a person during a public event to raise awareness about Sexual Misconduct that was held on campus or through an online platform sponsored by the College, the College is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, associates, or other persons. However, in all cases the College must use this information to inform its efforts to prevent Sexual Misconduct, including by providing tailored training to address alleged Sexual Misconduct in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of Sexual Misconduct.

1(e). Drug and Alcohol Use Amnesty in Connection with Reporting

The health and safety of every student at Berkeley College is of utmost importance. Berkeley College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Berkeley College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Berkeley College officials in accordance with these procedures. A bystander acting in good faith, or a reporting individual acting in good faith, that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Berkeley College officials or law enforcement will not be subject to Berkeley College’s disciplinary process for violations of College alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Reporting Options for Associates

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; 862-437-8532.

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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 - Sherrille Shabazz, Vice President, Student Development and Campus Life, who can be reached at 646-948-1361⁷; titleixcoordinator@berkeleycollege.edu. Associates can decline to notify any such authorities or individuals.

Associates seeking confidential assistance concerning sexual assault, intimate partner violence, or stalking (among other issues) may contact the Employee Assistance Program (“EAP”) by contacting **Toll-Free 855-RSL-HELP (855-775-4357)**, a confidential crisis line, or <http://rsli.acieap.com>

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.

Duties of Title IX Team upon Receipt of a Report

The Title IX Coordinator and/or Deputy Title IX Coordinators (or designee) shall be available to Complainants 24/7. Upon receipt of a report from a Complainant, Responsible Employee, or other individual, the Title IX Coordinator (or designee) will promptly – typically within 72 hours – contact the reporting individual to request a meeting to gather supplemental information (if any) and explain the College’s processes. As part of the Intake and Outreach, the Title IX Coordinator will:

- Promptly contact the Complainant to discuss the availability of Supportive Measures;
- Consider the Complainant’s wishes with respect to Supportive Measures;
- Assess the nature and circumstances of the report;
- Address immediate physical safety and emotional well-being of the Complainant or other campus community members;
- Discuss the Complainant’s expressed preference for manner of resolution and any barriers to proceeding;
- Discuss the differences between confidentiality and privacy;
- Notify the Complainant of the right to contact or decline to contact campus security, local law enforcement, and/or state police, and if requested, assist them with notifying law enforcement;
- Explain to the Complainant the differences between the campus process and law enforcement process;
- Notify the Complainant of the availability of counseling and medical services including free and fee-based services, on and off-campus, to address physical and mental health concerns and to

⁷ Available before and after normal business hours at 646-948-1361.

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preserve evidence, and, as applicable, obtaining a sexual assault forensic exam, STIs and related medical care, and resources through the New York State Office of Victim Services;

- Notify the Complainant of the importance of preserving evidence;
- Shall share with the Complainant internal and community resources, and provide referral assistance for legal resources, including how to initiate legal proceedings in family or civil court. See <https://berkeleycollege.edu/about/administration/general-counsel/title-ix/index.html> for more details and resource information.
- Ensure that the report is routed to the appropriate person(s) so that it may be entered into the College's Daily Crime Log, if required by the Clery Act;
- Ensure that the report is routed to the appropriate person(s) who will assess the need for a Timely Warning under the Clery Act;
- Provide the Complainant with a copy of the applicable Policy and Procedures and an explanation of the procedural options, including seeking Supportive Measures and the process for making a Complaint;
- Assess for evidence of a pattern or other similar conduct by the Respondent;
- Inform the Complainant that they may seek an advisor of their choosing to assist them throughout the investigation and resolution of the report and that the advisor may accompany them to any meeting or proceeding under this process.
- Explain the College's prohibition against Retaliation; and
- Explain the Complainant's right to withdraw a complaint or cease involvement from Berkeley College's process at any time.

Complainants have the right to disclose to Berkeley College representatives, who may offer confidentiality pursuant to applicable laws. Even Berkeley College representatives who cannot guarantee confidentiality will maintain Complainants' privacy to the greatest extent possible. The information a Complainant provides to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

If the Respondent is an employee, Complainants have the right to disclose the incident to Berkeley College Human Resources and may seek assistance from a confidential or private employee in reporting to Berkeley College Human Resources.

If a Complainant or Respondent is a student with a disability, the Title IX Coordinator may consult, if necessary, with the Office of Accessibility Services to determine how to comply with applicable disability laws.

These rights, options and resources shall be both explained to the Complainant orally and given to the Complainant in writing, via the College Title IX Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy, the College Title IX Sex Discrimination, Sex-Based Harassment

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and Sexual Misconduct Procedures and the VAWA Brochure, also found here:
<https://berkeleycollege.edu/pdf/vawa-brochure.pdf>

Understanding the Difference Between Privacy and Confidentiality

Berkeley College is committed to protecting the privacy of all individuals involved in a report of a VAWA offense under College policy. All associates who are involved in the College's response to a VAWA offense, including the Title IX Coordinator, investigators and adjudicators, receive specific training and guidance about safeguarding private information, including the protections set forth in Title IX, the Clery Act, and the Family Educational Rights and Privacy Act ("FERPA").

Privacy and **Confidentiality** have distinct meanings under the College Title IX (and non-Title IX) Sexual Harassment and Sexual Misconduct Policy.

Privacy: refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this Policy. Information related to a report of a VAWA offense will be handled discreetly and shared with a limited circle of College associates or designees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. The College will make reasonable efforts to investigate and address reports of VAWA offenses and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the College will maintain the privacy of the parties to the extent reasonably possible.

Confidentiality: refers to the statutory protections provided to individuals who disclose information in legally-protected or privileged relationships, including College **Personal Counselors** (students) and the **Employee Assistance Program** (associates) (Confidential Resources). Information shared by an individual with a Confidential Resource, on campus or in the community, intended as a confidential communication, cannot be revealed to any other individual without express permission of the individual seeking services, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor. When a report involves suspected abuse of a minor under the age of 18, these Confidential Resources are required by state law to notify child protective services and/or local law enforcement.

Similarly, an individual's medical and counseling records are confidential and cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

If you share information about a VAWA offense with any faculty or staff member who is not a designated Confidential Resource, that faculty or staff member will share that information with the Title IX Coordinator. Upon receiving such information, the Title IX Coordinator will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without making a Complaint, and explain to the Complainant the process for

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making a Complaint. The Title IX Coordinator will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed.

The Complaint process does not provide for anonymity and complete confidentiality, although the principles of privacy, described above, apply throughout all processes.⁸

In limited circumstances, typically where a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus community is determined to exist, the College may be required to take immediate action upon receipt of a VAWA report.⁹ In such circumstances, the reasons and steps the College will take will be explained to the Complainant.

In all cases, a Complainant's personally identifiable information will *not* be included in any publicly available record-keeping, including the Annual Security Report or the daily crime log.

Timely Warning

Any College associate 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 page 3 herein, the AVP for Public Safety or his designee will initiate a conversation regarding whether there exists a serious or continuing threat to the campus community, such that a Timely Warning Notification should be issued. 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

⁸ The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g ("FERPA") allows Berkeley College to share information with parents when 1) there is a health or safety emergency or 2) when the student is a dependent on either parent's prior year federal income tax return. Generally, the College will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual. For more information on FERPA, please see the College Student Records Policy here: <https://berkeleycollege.edu/pdf/ferpa-notice.pdf>.

⁹ The College will weigh a number of factors when determining whether to honor a confidentiality request or initiate a complaint, including, but not limited to:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional VAWA offenses would occur if a Complaint is not initiated;
- The severity of the alleged VAWA offense, including whether the offense, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the behavior and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the College;
- The scope of the alleged VAWA offense, including information suggesting a pattern, ongoing offense, or Sexual Misconduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision Maker in determining whether a VAWA offense occurred; and
- Whether the College could end the alleged VAWA offense and prevent its recurrence without initiating its grievance procedures.

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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).

Supportive Measures

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- (1) Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- (2) Provide support during the College's grievance procedures.

Supportive Measures are available before or after the making of a Complaint or where no Complaint has been made. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The College will consider a number of factors in determining which Supportive Measures to implement, including the needs of the student or associate seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same academic course(s), or job location(s); and whether judicial measures have been taken to protect the Complainant (e.g., protective orders). The College will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Title IX Coordinator or Deputy Title IX Coordinators are responsible for ensuring the implementation of Supportive Measures and coordinating the College's response with the appropriate offices on campus. The College will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. If a Supportive Measure is implemented, including a no contact order, both the Complainant and Respondent may request a review of the need for, and terms of, such measures, with the Title IX Coordinator or Deputy Title IX Coordinators and shall be allowed to submit evidence in support of their request.

Berkeley College will also provide reasonably available Supportive Measures for third parties, provided that the Supportive Measures are within the scope of that individual's relationship to the College.

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Orders of Protection and Restraining Orders

The College will endeavor to enforce any orders of protection or restraining orders obtained from the courts that have been provided. Although not required, Complainants are encouraged to provide the College with a photo of, and other identifying information about, the Respondent. Complainants should provide a copy of the court order, and other information about the Respondent, to the Title IX Coordinator, Deputy Title IX Coordinators, or to the Public Safety Department. Either party may obtain a copy of the order of protection or restraining order from the Public Safety Department (if such order has been provided to the College), and may request an appointment to speak with a Public Safety associate about the order and ask questions. The Public Safety Department will contact and assist local law enforcement in effecting an arrest for a violation of any order of protection or restraining order. Students and associates subject to an order of protection or restraining order may face consequences for any violation, including, but not limited to, arrest, additional conduct charges, and/or emergency removal/interim suspension.

Note: The Public Safety Department is available to assist students and associates in obtaining an order of protection or restraining order. However, the College cannot obtain such order on the student or associate's behalf. The Public Safety Department can assist with identifying and obtaining contact information for local law enforcement and nearby legal services.

Complaints

The formal resolution process (investigation, adjudication and appeal process) is initiated by the making of a Complaint. A Complaint is an oral or written request that objectively can be understood as a request for the College to investigate and make a determination regarding VAWA Offenses (“**Prohibited Conduct**”). The Title IX Coordinator also has the discretion to make a Complaint on behalf of the College.

The College endeavors to respect the wishes of a Complainant to not pursue a Complaint, to not be identified and/or to not participate in the process. Where possible, the College attempts to address Complaints in accordance with the Complainant's wishes. However, the College may not always be able to do so. The College may be limited in its ability to address incidents of Prohibited Conduct without full participation by a Complainant.

In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will make a Complaint in the absence of a Complaint by the Complainant, the Title IX Coordinator will consider the following factors:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;

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- The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the misconduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the College;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
- Whether the College could end the alleged Prohibited Conduct and prevent its recurrence without initiating its grievance procedures.

In order to protect the community, the College may be obligated to investigate and adjudicate serious incidents even when the Complainant asks that the College not investigate or otherwise address the matter. A Complainant may withdraw a Complaint at any time, but the College may be compelled to continue the associated investigation or conduct process. The College reserves the right to take action in response to any incident that comes to its attention.

Consolidation of Complaints

The College may consolidate Complaints of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other, where the allegations arise out of the same facts or circumstances.

Dismissal of Complaint

The College may dismiss a Complaint for any of the following reasons:

- the College is unable to identify the Respondent after taking reasonable steps to do so;
- the Respondent is not participating in the Education Program or Activity and is not employed by the College;
- the Complainant voluntarily withdraws any/all allegations in writing, the Title IX Coordinator declines to initiate a Complaint, and without the withdrawn allegations, the conduct that remains in the Complaint would not constitute Prohibited Conduct even if proven; and
- after reasonable efforts to clarify the allegations, the College determines that the conduct alleged would not constitute Prohibited Conduct.

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- Upon dismissal, the College must promptly notify the Complainant in writing of the dismissal and basis for the dismissal and provide an opportunity to appeal on the following bases: 1) procedural irregularity that would change the outcome, 2) new evidence that would change the outcome and that was not reasonably available when the dismissal determination was made, or 3) the Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome. If Respondent has been notified of the allegations, the College must also notify the Respondent simultaneously, in writing of the dismissal, basis, and that it may be appealed.

If the dismissal is appealed, the College must:

- notify the parties of the appeal in writing, including notice of the allegations if notice was not previously provided to the Respondent;
- implement appeal procedures equally for the parties;
- ensure the Decision Maker on appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- ensure the Decision Maker on appeal has been trained as required;
- provide the parties a reasonable and equal opportunity to make a statement supporting or challenging the outcome in writing; and
- notify the parties of the result of the appeal and rationale in writing.

If the College dismisses a Complaint it must:

- offer Supportive Measures to the Complainant as appropriate;
- if the Respondent has been notified, offer supportive measures to Respondent as appropriate;
- require the Title IX Coordinator to take appropriate, prompt, effective steps to ensure that Prohibited Conduct does not continue or recur within the education program or activity.

Procedures for VAWA Cases¹⁰

Upon receipt of a report detailing Prohibited Conduct, the Title IX Coordinator or Deputy Title

¹⁰ Procedures for investigating and adjudicating VAWA offenses are found here:

<https://berkeleycollege.edu/pdf/Title-IX-Procedures.pdf>

Because Title IX covers MORE offenses than just VAWA offenses, not everything in these Procedures applies to VAWA/Clery. VAWA offenses - sexual assault, intimate partner violence and stalking - are “Enhanced Cases” in the Procedures.

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IX Coordinators will engage in a preliminary inquiry to assess and understand the nature of the report, provide outreach to a Complainant, offer supportive measures, and determine whether the Title IX Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy applies to the report, and if so, what form of resolution is reasonably available and appropriate. See the Title IX Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Procedures – in particular, the “Preliminary Inquiry” section on pages 7-8 of the Procedures: <https://berkeleycollege.edu/pdf/Title-IX-Procedures.pdf>.

Advisors

The College shall provide the parties with the same opportunities to be accompanied to any meeting/proceeding by an advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor in any meeting/proceeding. However, the College may establish restrictions regarding the extent to which the advisor may participate in the grievance procedures, as long as the restrictions apply equally to the parties. For example, advisors, including attorneys, may not participate in the process or speak on behalf of the Complainant or Respondent. In addition, while advisors may ask to suspend any meetings, interviews, or hearings briefly to consult with the party they are advising, the College retains the discretion to deny advisors’ requests to suspend meetings, interviews, or hearings, if such requests are excessive, burdensome, or otherwise unreasonable.

Standard of Evidence

In all stages of the process, including following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Berkeley College shall apply the preponderance of the evidence standard (i.e., more likely than not) when determining whether Prohibited Conduct occurred under the Policy.

Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the Policy is made and the Complainant makes a Complaint; or (b) the Title IX Coordinator makes a Complaint after making the determination that a formal resolution process is necessary.

Investigation

Expectations for the Parties

During the investigation and resolution process, the College’s grievance procedures shall:

- Treat Complainants and Respondents equitably;

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- Require that any person designated as a Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Include a presumption that the Respondent is not responsible until a determination is made at the conclusion of the grievance procedures;
- Establish reasonably prompt time frames for major stages of the grievance procedures;
- Include a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay;
- Take reasonable steps to protect privacy of the parties and witnesses during the pendency of the grievance procedures, provided that the steps do not restrict the ability of the parties to:
 - obtain and present evidence,
 - consult with confidential resources, advisors, or family, or
 - prepare for or participate in the grievance procedures;
- Require an objective evaluation of all relevant and not impermissible evidence, including both inculpatory and exculpatory evidence;
- Provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;
- Exclude as impermissible evidence:
 - evidence protected under privilege recognized by federal or state law or provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - a party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary written consent for use in the recipient's grievance procedures; and
 - evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent. The fact of prior sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude a determination that sex based harassment occurred; and

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- Describe the range of Supportive Measures available to Complainants and Respondents.
- If the College adopts grievance procedures that apply to the resolution of some but not all Complaints, the College shall articulate consistent principles for how it will determine which procedures apply.

Written Notice of Investigation

Upon initiation of the College's grievance procedures, the College must provide written notice of the allegations to the parties whose identities are known with sufficient time for the parties to prepare a response before any initial interview.

The written notice must include:

- a copy of these Procedures and the Policy; and
- sufficient information available at the time to allow the parties to respond to the allegations;
- Sufficient information includes: the identities of the parties involved in the incident(s); the conduct alleged to constitute Prohibited Conduct; and the date(s) and location(s) of the alleged incident(s), if known;
- a statement that retaliation is prohibited;
- a statement that the parties are entitled to an equal opportunity to access the relevant and not impermissible evidence or a written investigative report (but if a written investigative report is used, the College must further provide the parties with an equal opportunity to access the relevant and not impermissible evidence upon the request of any party);
- a statement that the Respondent is presumed not responsible until a determination is made at the conclusion of the grievance procedures and that, prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- a statement that knowingly making false statements or knowingly submitting false information during the grievance procedures is prohibited and subject to discipline.
- a statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, accompany them to any meeting or proceeding.

If the College decides to investigate additional allegations by the Respondent toward the Complainant that are not included in the written notice or that are included in a Complaint that is consolidated, the College shall provide written notice of the additional allegation(s) to the parties whose identities are known;

To the extent the College has reasonable concerns for the safety of any person as a result of providing this notice, the College may reasonably delay providing written notice of the

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allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Complaint Investigation

The College must provide for the adequate, reliable, and impartial investigation of complaints. To do so, the College:

- Must provide the name of the Title IX Investigator(s) to the parties in the notice of investigation and the parties shall be allowed to challenge the appointment of an investigator on the basis of conflict of interest or bias;
- Must ensure the burden is on the College, not the parties, to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
- Must provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not impermissible;
- Must review all evidence gathered and determine what is relevant and impermissible regardless of relevance;
- Must provide each party and the party's advisor, if any, with an equal opportunity to access the relevant and not impermissible evidence in the following manner:
 - The College must provide an equal opportunity to access either the relevant and not impermissible evidence or a written investigative report (but if a written investigative report is used, must further provide the parties with an equal opportunity to access the relevant and not impermissible evidence upon the request of either party);
 - The College must provide a reasonable opportunity to respond to the evidence or to the written investigative report prior to the determination regarding responsibility;
 - The College must take reasonable steps to prevent and address parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through grievance procedures. Disclosures for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct are authorized.
- The Title IX Investigator(s) will seek to complete the fact gathering stage of the investigation within 45 business days of the issuance of the notice of investigation. As stated earlier, The Title IX Coordinator and the Title IX Investigator(s) may grant temporary delays of the investigation or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.
- The College must provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;

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- The College must provide the parties with the same opportunities to be accompanied to any meeting/proceeding by an advisor of their choice, who may be but is not required to be an attorney, and not limit the choice or presence of advisor in any meeting/proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in the grievance procedures, as long as the restrictions apply equally to the parties;
- The College must provide the parties with the same opportunities, if any, to have persons other than the advisor of the parties' choice present during any meeting/proceeding;
- The College has discretion to determine whether the parties may present expert witnesses as long as the determination applies equally to the parties;
- The College must provide the opportunity to review the evidence in advance of the live hearing; it is at the College's discretion whether to provide the opportunity to respond prior to, during, or both prior to and during the live hearing.

Additional Evidence

Both the Complainant and the Respondent are permitted to provide other evidence directly related to the allegations to the Title IX Investigator(s). Evidence may be inculpatory or exculpatory. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, etc. Both the Complainant and Respondent also have the option to provide names of potential witnesses to the Title IX Investigator(s). Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters.

Any documentation shared by the Complainant or the Respondent with the Title IX Investigator(s) will be provided to the other party. The Title IX Investigator(s) may also consider additional documents, items or other relevant information.

During the course of the investigation, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the Title IX Investigator(s). The Title IX Investigator(s) may consider such information in the investigation and will also share any information about retaliation or violation of the terms of a Supportive Measure with the Title IX Coordinator for further action.

Acceptance of Responsibility

At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the Policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion. Where there is an acceptance of responsibility as to all of the potential Policy violations, the Title IX Investigator(s) will complete an investigation report of all information gathered to date and refer the matter to the Decision Maker for sanctioning as described below.

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Preliminary Investigation Report

Prior to completion of the Final Investigative Report, the College shall make information gathered in the investigation available for review by the parties and their advisors. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is relevant to the allegations raised in the Complaint, including both inculpatory and/or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The College will send to each party and the party's advisor, if any, the Preliminary Report subject to inspection and review in an electronic format or a hard copy, and the parties shall have 10 business days to submit a written response, which the Title IX Investigator(s) will consider prior to completion of the Final Investigative Report.

In the written submission, the parties may offer additional comment or feedback on the facts as gathered, clarify information previously shared, suggest additional witnesses, suggest additional lines of questioning or inquiry, or identify any other relevant information or evidence to assure the thoroughness, sufficiency and reliability of the investigation.

Final Investigation Report

The Title IX Investigator(s) will thereafter produce a written Final Investigation Report that fairly summarizes the relevant information and facts gathered during the investigation and may include direct observations and reasonable inferences drawn from the facts and discussion of any consistencies or inconsistencies between the various sources of information.

The Final Investigation Report will be a fair and thorough summary of all relevant information gathered that is inculpatory or exculpatory, and the accounts of the Complainant, the Respondent or other witnesses. The Final Report will be sent to each party and their advisors in an electronic format or a hard copy, for their review and written response. If a party disagrees with the Title IX Investigator(s)'s determinations about relevance, the party can make that argument in the party's written response to the Final Report and to the Decision Maker at any hearing held.

Notice of Hearing

The Title IX Coordinator or designee will provide the Complainant and Respondent with a written notice of hearing. The notice of hearing will include: the specific Policy violations that will be the subject of the hearing; the date, time, and location of the hearing; the name of the Decision Maker; how to challenge participation by the Decision Maker on the basis of conflict of interest or bias; the right to have an advisor present at the hearing.

Impact and Mitigation Statements

The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The Title IX Coordinator will provide any statement(s) to the Decision Maker, which will only

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be considered if there is a finding of responsibility. Each party has the opportunity to view the other party's statement.

Hearing

Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility.

The College must provide a process that enables the Decision Maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating the allegations.

The College's VAWA grievance procedures shall provide for a live hearing.

- The College may conduct the live hearing with the parties physically present in the same geographic location.
- At the College's discretion, or upon the request of either party, the College shall conduct the hearing with the parties present in separate locations with technology enabling the Decision Maker and parties to simultaneously see and hear the person speaking.
- The College shall create an audio/audiovisual recording or transcript, of any live hearing and make it available to the parties for inspection and review.
- Questioning of parties and witnesses shall take place consistent with the following provisions before determining whether Prohibited Conduct occurred:
 - At any live hearing, the process for proposing and asking relevant and not impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, must allow the Decision Maker to ask such questions, and allow each party to propose questions they want asked of any party/witness and have those questions asked by the Decision Maker.
 - When the parties propose questions to be asked by the Decision Maker, the Decision Maker must first determine whether the proposed questions are 1) relevant, 2) permissible, 3) clear, and 4) not harassing of the person being questioned. The Decision Maker must make this determination with respect to each proposed question before it is posed. If the Decision Maker determines that a question is relevant, permissible, clear and not harassing, then the question must be asked. If the Decision Maker determines that a question is unclear or harassing of the person being questioned, then the Decision Maker must give the party an opportunity to clarify or revise the question. If the party sufficiently clarifies or revises a question, then the question must be asked. If the Decision Maker determines that a question will not be allowed – either because it is not relevant, not permissible, or it remains unclear or harassing even after the party has had the opportunity to clarify or revise the question – then the Decision Maker must explain the reason they are not permitting the question.

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- A Decision Maker may choose to place less or no weight upon statements by a person who refuses to respond to relevant and not impermissible questions. The Decision Maker must not draw an inference about whether Prohibited Conduct occurred based solely on a person's refusal to respond to questions.
- The College may adopt and apply other reasonable rules regarding decorum at the hearing, provided they apply equally to the parties.

All parties and witnesses will be invited to speak at the hearing, but no party or witness is required to attend the hearing. If a party or witness declines to attend a hearing, or attends but declines to submit to questioning by the Decision Maker, the Decision Maker may rely on any other statements of that party or witness in reaching a determination regarding responsibility.

- Traditional civil or criminal court rules of evidence do not apply at the hearing.

Written Determination

The College must simultaneously notify the parties in writing of the determination whether Prohibited Conduct occurred, including the rationale for such determination and the procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination must include:

- A description of the alleged Prohibited Conduct;
- Information about the policies and procedures that the College used to evaluate the allegations;
- The Decision Maker's evaluation of the relevant and not impermissible evidence and determination whether Prohibited Conduct occurred;
- When the Decision Maker finds that Prohibited Conduct occurred, any sanctions the institution will impose on the Respondent, whether remedies other than imposition of sanctions will be provided to the Complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the Prohibited Conduct.
- The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.
- If there is a determination that Prohibited Conduct occurred, as appropriate, the College must require the Title IX Coordinator to (a) coordinate the provision and implementation of remedies to a Complainant and others the College identifies as having had equal access to the College's education program or activity limited or denied by Prohibited Conduct, (b) coordinate the imposition of any disciplinary sanctions on Respondent, including notification

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to the Complainant of any such disciplinary sanctions, and, (c) take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the College's Education Program or Activity.

- The College must not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the College's determination whether Prohibited Conduct occurred.

Sanctions

Sanctions imposed by the College following a VAWA adjudication and determination may include, but are not limited to, oral or written warning/probation, mandatory counseling, education and training requirements, no-contact orders, changes to academic or working (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.

Appeals

Any party may appeal the determination of the Decision Maker, or the dismissal of a Complaint or any allegations therein. Parties wishing to appeal may do so only by (1) notifying the Title IX Coordinator in writing of the party's intent to appeal, and (2) submitting a written statement within ten (10) business days of the issuance of the determination (the "Appeal Period"). In her sole discretion, the Title IX Coordinator 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 Title IX Coordinator 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 Decision Maker (and/or Complaint dismissals) will only be overturned or modified on appeal on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias that would change the outcome.

The College will convene a panel of not less than three (3) appropriately trained members to decide an appeal based upon the appeal statement(s) and the original record; and the decision of the appeal panel by majority vote will be final.

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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
Poison Control Center	800-222-1222
Suicide Prevention Hotline	800-442-4673

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	988
Al Anon Family Group	800-356-9996

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 and the Office of Public Safety together oversee preparation of this Report. 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 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://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 made 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.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	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
RAPE	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
FONDLING	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
INCEST	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
STATUTORY RAPE	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
ROBBERY	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
AGGRAVATED ASSAULT	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
BURGLARY	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
MOTOR VEHICLE THEFT	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
ARSON	2023	0	0	0	0
	2022	0	0	0	0
	2021	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	2023	1	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
DATING VIOLENCE	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
STALKING	2023	3	0	0	0
	2022	0	0	0	0
	2021	0	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.	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESING, ETC.	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2023	0	0	0	0
	2022	0	0	0	0
	2021	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, or unfounded crimes, for 2023, 2022 or 2021.

Note 3: This report includes New York City police statistics.

Note 4: 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 5: 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 Procedures¹¹

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 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, or his designee, shall determine whether 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. The Plan also outlines the responsibilities of the **Crisis Management Team**

¹¹ *Covid-19: While the Covid Emergency Declarations have expired and/or been lifted – March 2022 in NJ and May 2023 in NY and federal - the College still provides Covid Resources via a tab on its website homepage, taking one here: <https://berkeleycollege.edu/newsroom/coronavirus/index.html>*

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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 acts 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 lockdown 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)
- Dust 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 emergency repairs, 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 New York City and/or the Executive Offices at Woodland Park, to manage the College's total response and recovery effort. The Crisis Management Team will include the President and her senior administrative staff. The **CMT** will also include a representative from the Office of Communications and External Relations, who will provide

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information to the media only as authorized by the College President or her 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**.

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, the Berkeley College 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 a 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. Associates 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

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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 in the Plan.)

Students and Staff with Disabilities: At least each semester, or at other necessary and appropriate times, College personnel shall furnish the Office of Public Safety and the Campus Operating Officer with a complete and accurate list of all consenting students and staff to whom disability accommodations have been granted. Promptly upon receiving such information, the Office of Public Safety shall take any steps necessary to include such information in emergency management and response planning and execution, for the health and safety of students and staff with disabilities.

Lockdown 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 lockdown 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 lockdown, The Berkeley community 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 they are in a room, they 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 lockdown has ended.

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Mass Notification System (BERK-ALERT)

The AVP of Public Safety, COOs, and their designees have the ability to send out mass notifications to students, faculty and staff, via email, 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 BERK-ALERT can be found on the College website at <https://berkeleycollege.edu/current-students/student-safety/berkalert/index.html>.