



# Campus Safety and Security Annual Report

September 30, 2021

JERSEY COLLEGE  
Campus Safety and Security Report – 2021

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Introduction

Jersey College attempts to offer a safe and secure campus. The Campus Director has primary responsibility for safety and security on campus. In the absence of the Campus Director, the Campus Administrator or Campus Coordinator will provide oversight of campus safety concerns. Contact numbers for the offices responsible for safety and security on campus can be found below. All policies and procedures contained within this report apply to each campus within the Jersey College system, including: (i) Teterboro, (ii) Ewing, (iii) Tampa, (iv) Jacksonville, (v) Ft. Lauderdale (aka Sunrise), (vi) Largo, (vii) Port Charlotte, and (viii) Fort Wayne.

Jersey College does not employ a full-time campus security staff. The Campus Director works closely with the local police department, which may be reached by calling 911 in an emergency or the local non-emergency number listed below:

Teterboro local police:	201-461-2770 or 201-641-9100
Ewing local police:	609-882-1313
Tampa local police:	813-247-8200
Jacksonville local police:	904-630-0500
Sunrise local police:	954-746-3370
Largo local police:	727-587-6730
Port Charlotte local police:	941-639-2101
Fort Wayne local police:	260-427-1222

If you become aware of a crime, observe a suspicious person, or are a victim yourself, the first contact you make should be to promptly report all emergencies to the police. Additionally, please report all incidents or suspicious activity to either the Campus Director or the Campus Administrator. Jersey College does not employ any sworn or commissioned law enforcement personnel. Therefore, no employee of Jersey College is considered security personnel.

Reports to Jersey College personnel involving bodily injury (including sexual offenses), theft, or an ongoing threat to campus security will be reported to the local police department. Reports not involving the foregoing will usually be investigated internally. Police reports are public records under state law. If you are the victim of a crime and do not want to pursue action within the public criminal justice system, you may still want to consider making a confidential report with Jersey College. With your permission, the Campus Director or his/her designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others (subject to federal exceptions).

If an individual who makes a Report chooses to request confidentiality, Jersey College has the ability to honor such a request in limited circumstances.<sup>1</sup> Instances where such a request may **not** be honored include, but are not limited to:

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<sup>1, 2</sup> Please note that confidentiality does not extend to legal proceedings or other matters of law (i.e., subpoena, testimony etc.). Confidentiality refers to institutional proceedings only and is subject to state and federal exceptions.

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- (i) If the report involves a minor and state law mandates contacting appropriate authorities; or
- (ii) If the institution would not be able to provide a safe and nondiscriminatory environment for all students.

If confidentiality is granted, any personally identifiable information will be kept from any third- party (i.e., other witnesses, the accused etc.) not involved in the Report process, and will not become part of the student's educational record.<sup>2</sup> However, Jersey College reserves the right to continue an investigation to the extent possible. In the interim, Jersey College will work with the individual to provide any reasonable accommodations or interim measures available.

Honoring the request for confidentiality may limit the institution's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

Students, faculty, staff, and guests are encouraged to report all crimes and public safety incidents to the appropriate office in an accurate and timely manner, even if the victim of a crime elects or is unable to make such a report. In the event of an emergency or to report a crime, dial 9-1-1. To report an incident to school officials (or in non-emergency situations), below is a list of offices that may be contacted:

<u>Teterboro</u>		<u>Ft. Lauderdale</u>	
Campus Director:	201-575-4661	Campus Administrator:	954-210-7436
Campus Coordinator:	201-575-4179	Campus Coordinator:	954-210-7434
Main Line:	201-489-5836	Main Line:	954-321-8890
<u>Ewing</u>		<u>Jacksonville</u>	
Campus Director:	609-643-4216	Campus Administrator:	904-866-4268
Campus Coordinator:	609-286-5086	Campus Coordinator:	904-337-6264
Main Line:	609-777-9035	Main Line:	904-733-3588
<u>Tampa</u>		<u>Largo</u>	
Campus Administrator:	813-642-3036	Campus Director:	813-642-3036
Asst. Campus Administrator:	813-441-3883	Asst. Campus Administrator:	727-202-9494
Main Line:	813-246-5111	Main Line:	727-202-9191
<u>Port Charlotte</u>		<u>Fort Wayne</u>	
Campus Director:	813-642-3036	Campus Administrator:	260-218-8271
Campus Administrator:	941-777-5477	Main Line:	260-306-5355
Main Line:	941-500-3331		

#### Campus Security Authorities

Campus Security Authorities (CSA) include any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. A CSA may also include any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.

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CSAs are required to report allegations of Clery Act crimes that he or she concludes were made in good faith. CSAs at Jersey College include individuals holding the following titles or positions: (i) Campus Director/Administrator, (ii) Dean, (iii) Associate Dean, (iv) Program Chair, and (v) Security Guard.

### Professional Counselors

Jersey College does not employ full-time or part-time pastoral or professional counselors. As such, there is no procedure for pastoral or professional counselors to report crimes.

### Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Director, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued, that will withhold the name of the victims as confidential. The warning will be issued in one or a combination of the following methods: dissemination through the SchoolCast mass alert system, electronic e-mail, our website ([www.jerseycollege.edu](http://www.jerseycollege.edu)), telephone, voice mail, external media announcements, or posting of information outside student lounge.

### Emergency Response and Evacuation Procedures

Jersey College has adopted an Emergency Plan for the purpose of facilitating the flow of information to administrators, key staff members, faculty and the media when an emergency event occurs at Jersey College or involves Jersey College students or members. Jersey College’s Supplemental Emergency Response Plan<sup>2</sup> (a copy of which may be obtained at [www.jerseycollege.edu/policies](http://www.jerseycollege.edu/policies)) contains detailed information and policies for handling of emergency situations. The following provides a summary of the plan.

When Jersey College is threatened in an emergency situation, the Campus Director will confirm that a significant emergency situation exists. Upon confirmation, the Campus Director or his/her designee will contact and organize an Emergency Operations Team. The Emergency Operations Team is normally comprised of the Campus Director and Deans (supplemented when possible with the College’s Chancellor and President).

The Emergency Response Team is responsible for:

- Establishing an emergency headquarters and command post;
- Establishing and directing, if needed, a primary evacuation and temporary housing site for students, faculty and staff;
- Verbally informing each classroom of the emergency;
- Assessing if an ongoing or immediate threat exists and whether or not additional information should be disseminated to the community;

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<sup>2</sup> This Plan provides detailed procedures for responding to specific emergency situations, such as Holds and Evacuations; Active Shooter Threats, Bomb Threats, and Flooding.

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- Determining the content of the notification and who the notification will be presented to;
- Ensuring that all staff are informed of the emergency and providing direction, including, but not limited to, advising staff to check/close all doors, ready first-aid and health care kits, and make ready other precautions;
- Contacting emergency personnel; and
- Issuing media releases to the outside community, if necessary.

Jersey College 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. The notification will be coordinated through the use of the SchoolCast mass alert system, which allows communication through voice, email, text message, or a combination of these three methods.

Students are advised that due to the nature of emergency response, the outcome is not always easy to predict. Therefore, it should be recognized that this plan is meant to serve as a guideline and that the outcome of the response may be limited by the scope, magnitude and duration of the event. To facilitate the response, students are expected to follow the directions of the Emergency Response Team and remain calm at all times.

#### Annual Test of Emergency Response and Evacuation Procedures

In an effort to protect the well-being of students, employees and guests, Jersey College will, on an annual basis, conduct a test of the emergency response and evacuation procedures. This test will contain the following components:

- Will be scheduled
- Contains a drill and an exercise that test both procedures and coordination of efforts
- Designed for evaluation and assessment
- Follow-through activities to evaluate the test
- Documentation of the results of the test

#### Campus Access & Maintenance

During business hours, Jersey College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to Jersey College's facilities is available only to employees by key only. Non-employees are not permitted access to any school facilities during non-business hours. The campuses do not have any residences.

Maintenance and administrative personnel inspect the entire campus and buildings regularly to discover and correct health, safety, or maintenance problems. Security-related maintenance problems (e.g. doors, windows, locks) in need of repair should be reported to the receptionist or Campus Director.

#### Annual Disclosure of Crime Statistics

The Campus Director (or appropriate designee), in concert with the central office prepares the annual crime statistics report. The Campus Director or appropriate designee prepares this report to

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comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared by compiling available information from local law enforcement agencies surrounding our campuses. Though Jersey College works in conjunction with various law enforcement agencies, there is no memorandum of understanding between Jersey College and these agencies.

Campus crime, arrest and referral statistics include those reported to Jersey College's administration, designated campus officials (including but not limited to directors, administrators, deans, and executives), and local law enforcement agencies.

Each year, information will be disseminated via distributed flyer, email, or posting of information outside of student lounge. The disseminated information will either contain the annual security report or reference a web site containing the report. Faculty and staff will receive similar notification through email or posting of information in the faculty lounge. Copies of the report may also be obtained at the Administration office of each campus or by calling the main campus number and asking for administration:

Teterboro:	546 U.S. Highway 46 Teterboro, NJ 07608 (201) 489-5836	Ewing:	1001 Spruce Street Ewing, NJ 08618 (609) 777-9035
Tampa:	3625 Queen Palm Drive Tampa, FL 33619 (813) 246-5111	Jacksonville:	8131 Baymeadows Circle W Jacksonville, FL 32256 (904) 733-3588
Ft. Lauderdale:	7775 W Oakland Park Blvd. Sunrise, FL 33351 (954) 321-8890	Largo:	2025 Indian Rocks Road Largo, FL 33774 (727) 202-9191
Fort Wayne:	7836 W Jefferson Blvd Fort Wayne, IN 46804 (260) 306-5355	Port Charlotte:	2450 Harbor Boulevard Port Charlotte, FL 33952 (941) 500-3331

All prospective employees may obtain a copy from the administrative office at the addresses noted above, by calling the numbers above and asking for administration, or by accessing [www.jerseycollege.edu/policies](http://www.jerseycollege.edu/policies). Campus crime data is also available from the United States Department of Education website: <https://ope.ed.gov/campussafety/>.

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## Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act Report

### Campus Crime Statistics – Teterboro, NJ

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Bergen County Sheriff's office and the Little Ferry Police Department. Statistics were not received from either department.

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Campus Crime Statistics – Ewing, NJ

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	1
Arson	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	1	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Ewing Township Police Department.

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Campus Crime Statistics – Tampa, FL

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	1
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Hillsborough County, FL sheriff's office.

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Campus Crime Statistics – Jacksonville, FL

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	1	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Jacksonville, FL sheriff's office.

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Campus Crime Statistics – Fort Lauderdale, FL\*

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Ft. Lauderdale police department.

\*For years 2018 and 2019, statistics are reported for the 2307 W. Broward Blvd. campus.

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Campus Crime Statistics – Largo, FL

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	1
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic violence	0	0	1
Dating violence	0	0	0
Stalking	0	0	0

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible & non forcible sex offenses	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Larceny-theft	0	0	0
Simple assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Other crimes involving bodily injury	0	0	0

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	0	0
Arrests	0	0	0

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

Note 2: Crime statistics were requested from the Pinellas County Sheriff's Office and Largo Police Department.

Note 3: Classrooms at the Largo Campus are located inside the Indian Rocks campus of Largo Medical Center. Statistics reported include crimes that occurred at or adjacent to the Indian Rocks Campus of Largo Medical Center in its entirety, inclusive of the Jersey College classroom locations.

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Campus Crime Statistics – Port Charlotte, FL

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	N/A	N/A
Negligent manslaughter	0	N/A	N/A
Forcible & non forcible sex offenses	0	N/A	N/A
Robbery	0	N/A	N/A
Aggravated assault	0	N/A	N/A
Burglary	0	N/A	N/A
Motor vehicle theft	0	N/A	N/A
Arson	0	N/A	N/A
Domestic violence	0	N/A	N/A
Dating violence	0	N/A	N/A
Stalking	0	N/A	N/A

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	0	N/A	N/A
Negligent manslaughter	0	N/A	N/A
Forcible & non forcible sex offenses	0	N/A	N/A
Robbery	0	N/A	N/A
Aggravated assault	0	N/A	N/A
Burglary	0	N/A	N/A
Motor vehicle theft	0	N/A	N/A
Arson	0	N/A	N/A
Larceny-theft	0	N/A	N/A
Simple assault	0	N/A	N/A
Intimidation	0	N/A	N/A
Destruction, damage, or vandalism of property	0	N/A	N/A
Other crimes involving bodily injury	0	N/A	N/A

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	N/A	N/A
Arrests	0	N/A	N/A

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	N/A	N/A
Arrests	0	N/A	N/A

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	0	N/A	N/A
Arrests	0	N/A	N/A

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

Note 2: Crime statistics were requested from the Charlotte County Sheriff's Office.

Note 3: The Port Charlotte campus commenced operations in 2020. No crime statistics are available for 2018 or 2019.

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Campus Crime Statistics – Fort Wayne, IN

<b>Criminal Offenses Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	N/A	N/A	N/A
Negligent manslaughter	N/A	N/A	N/A
Forcible & non forcible sex offenses	N/A	N/A	N/A
Robbery	N/A	N/A	N/A
Aggravated assault	N/A	N/A	N/A
Burglary	N/A	N/A	N/A
Motor vehicle theft	N/A	N/A	N/A
Arson	N/A	N/A	N/A
Domestic violence	N/A	N/A	N/A
Dating violence	N/A	N/A	N/A
Stalking	N/A	N/A	N/A

<b>Criminal offenses in which the victim is intentionally selected due to actual or perceived:</b> (i) Race, (ii) Gender, (iii) Religion, (iv) National Origin, (v) Sexual Orientation, (vi) Gender Identity, (vii) Ethnicity, or (viii) Disability <b>Reported to Administration or Local Police</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Murder & non-negligent manslaughter	N/A	N/A	N/A
Negligent manslaughter	N/A	N/A	N/A
Forcible & non forcible sex offenses	N/A	N/A	N/A
Robbery	N/A	N/A	N/A
Aggravated assault	N/A	N/A	N/A
Burglary	N/A	N/A	N/A
Motor vehicle theft	N/A	N/A	N/A
Arson	N/A	N/A	N/A
Larceny-theft	N/A	N/A	N/A
Simple assault	N/A	N/A	N/A
Intimidation	N/A	N/A	N/A
Destruction, damage, or vandalism of property	N/A	N/A	N/A
Other crimes involving bodily injury	N/A	N/A	N/A

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<b>Weapons Possession</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	N/A	N/A	N/A
Arrests	N/A	N/A	N/A

<b>Drug Abuse Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	N/A	N/A	N/A
Arrests	N/A	N/A	N/A

<b>Liquor Law Violations</b>			
<b>Offense</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Referred for Disciplinary Action	N/A	N/A	N/A
Arrests	N/A	N/A	N/A

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

Note 2: Crime statistics were requested from the Fort Wayne Police Department.

Note 3: The Fort Wayne campus commenced operations in 2021. No crime statistics are available for 2018, 2019, or 2020.

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Security Awareness and Crime Prevention

Student orientation programs are mandatory for all new students who enter Jersey College. These orientation programs include a review of policies and rules related to conduct and behavior expected of students. Orientation includes presentations and information on topics such as drug and alcohol policies, security awareness, crime prevention and reporting obligations. All new students and employees are also provided access to an online Sexual Violence training program hosted on the institution's library website. This training program may be accessed at any time.

Employees are provided with information relating to campus security procedures and crime prevention throughout the hiring process, and participate in periodic training throughout the year. Training includes formal and informal meetings on emergency preparation, security awareness, and sexual violations. Students are provided with information relating to campus security procedures and crime prevention during the new student orientation process.

Jersey College strongly encourages students and employees to be responsible for their own security and the security of others.

Off-Campus locations

Jersey College does not have any officially recognized student organizations with off-campus locations. As such, there is no policy in place for the monitoring and recording, through local police agencies, of criminal activity of students engaged at off-campus locations of student organizations.

Missing student notification policy

Jersey College does not provide any on-campus student housing facility. As such, there is no policy in place regarding missing student notification procedures for students who reside in on-campus housing facilities.

Weapons

No one is permitted to carry a weapon on campus premises. Violators of this policy will be subject to disciplinary action, up to and/or including suspension, dismissal, or termination of employment, as applicable.

Data Security

Jersey College's computer systems and associated hardware and peripherals are to be used for educational purposes only. The use of computers and the Internet are privileges which may be limited or revoked at any time. Computer usage may be monitored so students and employees should not have an expectation of privacy. Students, faculty, and staff have a responsibility to use computers and the Internet ethically and lawfully, and Jersey College reserves the right to report any suspected illegal activity to the appropriate authorities.

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Any attempts to circumvent PC/Network security, damage or tamper with any of Jersey College's electronic resources, including software, hardware, network infrastructure, virus propagating, and sustained high volume network traffic, may result in disciplinary action including suspension, dismissal, or termination of employment. Internet access is provided in various rooms and offices. Jersey College has installed systems that attempt to block offensive material, and restrict access to sites that have been known to monopolize network bandwidth, or violate copyright laws.

### Alcoholic Beverages & Illegal Drugs

Jersey College strictly prohibits the possession, use, or distribution of illicit drugs and the possession, consumption, or distribution of alcohol on Jersey College property or at any Jersey College related activity. The sale or possession of any controlled substance including marijuana is illegal under both federal and state law, and such laws are strictly enforced by Jersey College's authorities.

Violators of the drug and alcohol abuse policy will be subject to disciplinary action which may include, but is not limited to: suspension, dismissal, termination of employment and/or referral to outside authorities.

In accordance with Section 120(a)-(d) of *HEA*, Jersey College's drug and alcohol abuse prevention program description can be found in the Master Academic Catalog under the heading *Drug and Alcohol Free Policy*.

### Disclosure to Students

Jersey College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution 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 disclosure.

### Discrimination and Harassment Policy

#### **General Prohibition**

Jersey College is committed to providing an environment that respects and encourages the development and growth of all students, faculty and staff. Discriminatory and harassing behaviors that unfairly or unlawfully interfere with an individual's educational pursuits violate our College's policies and procedures and are not tolerated. Such forms of discrimination and harassment include, but are not limited to, discrimination or harassment on the basis of race, ethnicity, sex, gender identity, religion, sexual orientation, national origin, physical or mental disability, age, or military veteran status. Jersey College does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities.

Jersey College encourages all students, staff, and administrators to work together to prevent all forms of discrimination and harassment, including those based on race, ethnicity, sex, gender identity, religion, sexual orientation, national origin, physical or mental disability, age, or military veteran status (individually and collectively, a protected status or a protected category).

Any student, staff, or third party seeking information with respect to the non-discrimination and harassment policies of Jersey College, including Title IX protections, may contact the Title IX

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Coordinator and the Section 504 Coordinator or the Office of Civil Rights. Any person may report discrimination and harassment, including sexual discrimination and harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such report may be made at any time, including non-business hours using the foregoing means.

Jersey College also prohibits all forms of reprisals, retaliation, or adverse or negative actions, taken against an individual because the individual has complained about alleged discrimination or harassment, or has participated as a party or witness in an investigation relating to such allegations.

Notwithstanding the foregoing, in any educational setting, there exists latitude with principles of free inquiry and free expression. Faculty members have the right to determine in their professional judgment the appropriate content and presentation of academic material. As such, academic curriculum and pedagogical goals that serve legitimate and reasonable educational purposes may not, in and of themselves, constitute harassment or other unlawful discrimination. Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the College's professional educators.

### **Definitions**

*Complainant* refers to an individual who is alleged to be the victim of conduct that could constitute discrimination and/or harassment (regardless of whether the person themselves reported or a third party reported the action). Parents and guardians may act on behalf of minors.

*Discrimination* is the unlawful and intentional act of unfair treatment of a person based on a protected status. The "reasonable person standard" is used to determine race, ethnicity, sex, gender identity, religion, sexual orientation, national origin, physical or mental disability, age, or military veteran status discrimination.

*Harassment* is unwelcome, hostile, or inappropriate conduct directed toward an individual because of his or her protected status. Harassment violates Jersey College's policies when (i) enduring the offensive conduct becomes a condition of enrollment or employment (as applicable), or (ii) the conduct is severe, pervasive and objectively offensive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

*Investigator* refers to the individual responsible for conducting informal and formal investigations of allegations of discrimination and harassment. This individual is shall be appointed by the President of the College and may be an internal or external individual.

*Respondent* refers to an individual who has been reported to be the perpetrator of conduct that could constitute discrimination and/or harassment.

*Title IX* refers to Title IX of the Education Amendments of 1972 which provides, among other things, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Title IX includes pregnancy based claims of discrimination and harassment.

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**Coordinator and Investigator**

The College has designated the Director of Institutional Effectiveness and his/her designees (the “Coordinator”) for the coordination of discrimination and harassment allegations involving the College, including Title IX and Section 504 claims. The Coordinator can be contacted at 546 U.S. Highway 46, Teterboro, NJ 07608, (201) 489-5836, [TitleIX@jerseycollege.edu](mailto:TitleIX@jerseycollege.edu).

The College from time to time as described in this policy may appoint an Investigator for discrimination and harassment allegations. The Investigator shall be appointed by the President of the College and may be an internal or external individual. The Investigator shall be free of any perceived or actual conflicts of interests.

**Types of Discrimination and Harassment**

*Sexual harassment (“Title IX Harassment”)* means conduct on the basis of sex that satisfies one or more of the following: (i) A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or (iii) Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

*Sexual harassment (Workplace)* refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Sexual harassment becomes unlawful and violates the policies of Jersey College where (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Simple teasing, offhand comments, or isolated incidents typically are not sexual harassment unless they are so frequent or severe that they create a hostile or offensive work environment or when they result in an adverse tangible employment action (like firing or demotion).

*Sexual orientation discrimination* relates to sexual harassment (defined above) directed at gay or lesbian individuals. An example of sexual orientation discrimination includes a male student or a group of male students targeting a gay student for physical sexual advances that are serious enough to deny or limit the individual’s ability to participate in or benefit from the College’s program.

*Gender-based harassment*, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex harassment when it rises to a level that denies or limits a student’s ability to participate in or benefit from the educational program. An example of gender-based harassment includes the repeated sabotaging of female graduate students’ laboratory experiments by male students in the class.

*Disability harassment* is intimidation or abusive behavior toward an individual based on disability that creates a hostile environment by interfering with or denying an individual’s participation in or receipt of benefits, services, or opportunities in the institution’s program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

Disability harassment is a violation of Section 504 or Title II. A hostile environment may exist even

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if there are no tangible effects on the individual. Examples of disability harassment include:

- Several students continually remarking out loud to other students during class that a student with dyslexia is “retarded” or “deaf and dumb” and does not belong in the class; as a result, the harassed student has difficulty doing work in class and her grades decline.
- A student repeatedly placing classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the classmates’ ability to enter the classroom.
- A teacher subjecting a student to inappropriate physical restraint because of conduct related to his disability, with the result that the student tries to avoid school through increased absences.
- A school administrator repeatedly denying a student with a disability access to lunch, field trips, assemblies, and extracurricular activities as punishment for taking time off from school for required activities related to the student’s disability.
- A professor repeatedly belittling and criticizing a student with a disability for using accommodations in class, with the result that the student is so discouraged that she has great difficulty performing in class and learning.
- Students continually taunting or belittling a student with mental retardation by mocking and intimidating him so he does not participate in class.

### **Discrimination and Harassment Reporting**

Individuals who believe that they have been harassed, discriminated or retaliated against by employees, students, or third parties in violation of Jersey College’s policies are encouraged to notify the College through the Coordinator, but have the option of attempting to resolve the concern informally or formally.

Informal resolutions may involve direct communication by the Complainant with the Respondent or communication through a representative, including, but not limited to a selected colleague, faculty member, staff member or the Coordinator. In handling of informal complaints, concerns or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems, third-parties should listen, offer options, facilitate resolutions, informally investigate, or otherwise examine the issues independently and impartially and seek an appropriate resolution. If the matter cannot be satisfactorily resolved through such informal communications, a formal complaint should be initiated. The Complainant has the right, at any time prior to agreeing to a resolution, to end the informal process and file a formal complaint. Allegations of employee sexual harassment of a student cannot be resolved informally; such allegations must be completed through the formal resolution process.

Formal resolutions of alleged incidents of discrimination, harassment, or retaliation require a Statement of Complaint. Formal complaints should be filed as soon as possible after the date of the alleged misconduct. Notwithstanding the foregoing, all non-Title IX formal complaints must be filed no later than six (6) months after the alleged incident to be a valid complaint requiring investigation. Formal complaints should be submitted to the Coordinator at 546 U.S. Highway 46, Teterboro, NJ 07608, (201) 489-5836, TitleIX@jerseycollege.edu or if the Coordinator is the party involved in the incident, to a Campus Director, Dean or a Program Chair. In the latter case, the Campus Director, Dean or Program Chair will forward the complaint to the President of Jersey College for appointing of an alternative Coordinator. All members of Jersey College’s community have an obligation to make sure that complaints about discrimination, harassment, sexual harassment, or retaliation are directed to the Coordinator (or other appropriate administrative personnel) for prompt investigation and evaluation.

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The Statement of Complaint must be written and include the following information: (i) the full name and address of Complainant; (ii) the name of Respondent(s) and Complainant's relationship to the Respondent (i.e. Respondent is student, faculty member, staff member, etc.); (iii) the protected category (e.g., sex, race, age, disability etc.) under which the Complainant is filing the complaint; (iv) a clear and concise statement of the facts that constitute the alleged discriminatory acts, harassing behavior, or retaliation, including pertinent dates and sufficient information to identify any other individuals who can provide information; (v) a statement by Complainant verifying that the information supporting the allegations of discrimination is true and accurate to the best of Complainant's knowledge; and (vi) Complainant's signature (physical or digital signature or such other means that indicates that the Complainant is the person filing the formal complaint). In addition, the Complainant must attach all documentation supporting the occurrence of the incident to the Statement of Complaint. The Statement of Complaint may initially be filed orally, but the Complainant must within three (3) calendar days submit a written Statement of Complaint. At the time of filing the Statement of Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.

Jersey College may investigate an alleged discrimination or harassment claim when a formal complaint is not submitted by the Complainant when the Coordinator (or the President of the College) determines that an investigation is necessary in order to meet the College's obligations under this policy. If the Coordinator (or the President of the College) signs a formal complaint, he/she will not be considered the Complainant or otherwise a party in the investigation.

Throughout the complaint and investigation process, personally identifiable information about parties involved in the complaint will be treated as confidential and only shared with persons with a specific need to know, subject to the Family Educational Rights to Privacy Act.

### **Supportive Measures**

The Coordinator must promptly contact the Complainant after becoming aware of an allegation of discrimination or harassment to discuss the availability of supportive measures. Supportive measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to any party before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities at Jersey College without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College community, or deter discrimination and/or harassment.

As appropriate, supportive measures may include, but are not be limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of class or clinical schedules
- Restrictions on contact between the Parties ("No Contact Orders")
- Changes in class locations
- Changes in practicum sites
- Leaves of absence

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Any decisions regarding supportive measures shall be made by the Coordinator, in consultation with relevant College administrators and the party requesting supportive measures. It is not necessary to file a formal complaint under this policy, participate in the adjudication process, or file a criminal complaint in order to request supportive measures from the College. Complainants may request supportive measures even in cases where the Complainant has requested that no investigation be undertaken, or the Complainant or Respondent has declined to participate in College's disciplinary proceedings or the criminal process.

Failure to comply with certain supportive measures, such as a No Contact Order or other measures taken to separate the parties in academic, employment, or extracurricular settings, may be a violation of the Code of Student Conduct and may lead to additional disciplinary action.

**Right to Proceed with a Criminal Investigation in Title IX Cases**

The complainant will be notified by the Investigator in writing of his/her right to proceed with a criminal investigation and a Title IX complaint (institutional investigation) simultaneously. This notification will make clear that Jersey College is responsible for conducting an investigation of all complaints of Title IX, independent of any investigation conducted by a law enforcement authority or other agency (a "criminal authority"), and that the College's investigation will not be delayed by any investigation by such criminal authority unless expressly required by such criminal authority. Jersey College will immediately resume the institution's investigation when permissible (i.e., after criminal authority fact finding is completed).

**Appointment of Investigator**

Upon receipt of a properly completed Statement of Complaint, the President of the College will appoint within ten (10) business days the Investigator. In the event the President has a conflict of interest, the Investigator will be appointed by the Coordinator.

The President (or the Coordinator, when applicable) will not allow conflicts of interest, real or perceived, with an Investigator handling the investigation. If a real or perceived conflict of interest arises, the President (or the Coordinator, when applicable) will appoint a different Investigator to participate in the investigation process.

**Notification of Complaint and Notice of Allegations**

Upon receipt of a properly completed Statement of Complaint involving a claim of discrimination or harassment, the Investigator will review the circumstances of the complaint and issue a Notice of Allegations to the Complainant and Respondent (the "parties"). Such notice will occur as soon as practicable, but no more than five (5) business days after the College receives the formal complaint of the allegations, absent extenuating circumstances or if the College needs more time to gather all required information for the notice. All notifications with respect to discrimination and harassment claims will be completed through Jersey College email for parties that are student and employees, and by other reasonable means if the parties are neither. It is the responsibility of parties to maintain and regularly check their Jersey College email accounts.

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The Notice of Allegations will include the following:

- A copy of this Discrimination and Harassment Policy;
- The allegations potentially constituting discrimination and/or harassment, including sufficient details of the allegations needed to enable parties to prepare for an initial interview. Sufficient details include the identities of the parties involved in the incident, the conduct allegedly constituting discrimination and/or harassment, and the date and location of the alleged incident, to the extent such information is known at the time the Notice of Allegations is issued;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation for non-Title IX allegations of discrimination and/or harassment and at the conclusion of the hearing process for Title IX allegations (the “Title IX Hearing”);
- In cases of a Title IX allegation, a statement that the parties may have an advisor of their choice to conduct cross-examination at the Title IX Hearing who may be, but is not required to be, an attorney;
- In cases of a Title IX allegation, a statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and evidence that either tends to prove or disprove the allegations, whether obtained from a party or other source; and
- A statement that College policies prohibit knowingly making false statements or knowingly submitting false information during the investigation process and in cases of a Title IX allegation, during the Title IX Hearing.

If, in the course of an investigation, the College decides to investigate allegations that are not included in the initial Notice of Allegations and are otherwise covered under the College’s discrimination and harassment policies, the Investigator will issue an updated Notice of Allegations to notify the parties of the additional allegations being investigated. The College will provide the parties with sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Responding to Notice of Allegations**

Respondents will have thirty (30) calendar days to respond to the complaint and the allegations in the Notice of Allegations. When a respondent denies the allegations in the Statement of Complaint, the Investigator based on the totality of evidence collected to date, must make a determination of the validity of the complaint and determine whether a formal investigation is necessary and appropriate. The determination of the validity of the complaint will be judged by the standard of a reasonable person and will be promptly completed – typically within sixty (60) days of the filing of the Statement of Complaint.

### **Dismissal of Formal Complaint**

*Mandatory Dismissal:* Formal complaints must be dismissed if any of the following elements are met, in the reasonable determination of the Investigator:

- The conduct is alleged to have occurred in outside of the United States;
- The conduct is not alleged to have occurred in a Jersey College education program or activity; or
- The alleged conduct, if true, would not constitute discrimination and/ or harassment as defined in this policy.

*Discretionary Dismissal:* The Investigator may dismiss a formal discrimination and/or harassment

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complaint, or any specific allegations raised within that formal complaint, at any time during the investigation or Title IX Hearing (in cases of a Title IX alleged violation), if:

- A Complainant notifies the Investigator in writing that he/she would like to withdraw the formal complaint or any allegations raised in the formal complaint;
- The Respondent is no longer enrolled at or employed by the College; or,
- If specific circumstances prevent the Investigator from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

Either party may appeal this dismissal determination using the process outlined in “Appeal of Dismissal of Formal Complaint,” below.

*Notice of Dismissal:* Upon reaching a decision that the formal complaint or any specific allegation within the formal complaint will be dismissed under this policy, the Investigator will promptly send written notice of the dismissal, including the reason for the dismissal and information on the appeals process, simultaneously to the parties.

*Appeal of Dismissal of Formal Complaint:* Where all or part of a formal complaint is dismissed, either party may file an appeal of that decision within three (3) business days of receipt of the Notice of Dismissal by filing a written appeal utilizing the Institutional Grievance process. The only permitted grounds to appeal a dismissal prior to an investigation and/or Title IX Hearing (in cases of a Title IX alleged violation) are: (i) conflict or bias by the Investigator who issued the Notice of Dismissal, or (ii) error in the conclusion that the Statement of Complaint does not fall within the scope of this policy.

### **Time Frames for Investigating Complaints**

The College does not limit the time for submitting a report of discrimination and harassment conduct prohibited by this policy. However, the College’s ability to investigate and respond effectively may be reduced with the passage of time.

The College will endeavor to resolve every discrimination and/or harassment complaint in a fair, impartial, and timely manner. The College recognizes that each case has its own unique circumstances, and that time frames for each stage of the process may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods, or final exams). Time frames may be extended for informal resolution or other good cause as necessary to ensure the integrity and completeness of the process. Other reasons for an extension of time frames include, but are not limited to: compliance with a request by law enforcement; accommodation of the availability of witnesses; accounting for exam periods, school breaks or vacations; and/or accounting for complexities of a specific case, including the number of witnesses and volume of information provided by the parties. The College will notify the parties in writing of any extensions of time frames and the reason for the extension.

### **Discrimination and Harassment Investigations**

Formal investigations into allegations of discrimination or harassment will be conducted by the Investigator.

The College will only investigate formal complaints when the discrimination or harassment occurs in the College’s education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the discrimination and/or harassment occurs, and also

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includes any building owned or controlled by a student organization that is officially recognized by the College.

The purpose of the investigation is to establish whether there has been a violation of the College's discrimination and harassment policies. The College, and not the parties, has the burden of gathering evidence.

The Investigator has the responsibility to interview all parties who may have relevant information to the complaint (as identified by the Complainant or the Respondent). The Investigator will provide an equal opportunity for the parties to identify witnesses, including fact and expert witnesses, as part of the investigation process. The Investigator may interview fact and expert witnesses or collect a notarized written statement from them in lieu of a live interview. In the case of Title IX related complaint, only the statements of witnesses who agree to testify and be cross-examined at the Title IX Hearing following conclusion of the investigation process may be considered in the Title IX Hearing. The Investigator will provide, to any individual whose participation is invited or expected, written notice at least five (5) business days in advance, of the date, time, location, participants, and purpose of all investigative interviews, hearings, or other meetings, with sufficient time for such individual to prepare to participate. The Investigator will also notify all witnesses in Title IX related formal complaints and that they may bring one Advisor (as defined below) to each interview. While the Advisor may attend any investigatory meeting/interview, the Advisor cannot represent the party during any such meeting/interview, unless otherwise granted permission by the Investigator. It is the responsibility of the Investigator to weigh the credibility of all individuals interviewed and to determine the weight of information received during the course of the investigation.

The investigation process will include a review of all relevant evidence, which may include review of photographs, computer files, email accounts, phones, texts, voice mail records, social media accounts, and other records. Notwithstanding the foregoing, the Investigator shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so.

In cases of alleged Title IX violations, prior to completion of the investigation, the parties will have an equal opportunity to review and respond to the evidence obtained through the investigation that directly relates to the allegations in the formal complaint. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. The parties will have ten (10) business days to review such evidence and submit a written response by email to the investigator(s). If a party does not provide the Investigator with a response within ten (10) business days, it will be assumed such party reviewed all of the evidence and chose not to respond. The Investigator will consider the parties' written responses before completing the investigation report and making a recommendation. The Investigator will provide copies of each parties' written responses to all other parties. Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

Evidence that will be available for inspection and review by the parties in cases of alleged Title IX violations will be any evidence that is directly related to the allegations raised in the Statement of Complaint. It will include any (i) evidence that is relevant, even if that evidence does not end up being

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relied upon by the College in making a determination regarding responsibility; and (ii) inculpatory or exculpatory evidence (meaning evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

In cases of alleged Title IX violations, the parties must submit any evidence they would like the Investigator to consider before the parties' time to inspect and review evidence begins. Prior to obtaining access to any evidence, the parties and to the extent allowed Advisors must sign an agreement not to disseminate, photograph or otherwise copy any of the evidence obtained during the investigation, and/or any of the testimony heard during the Title IX Hearing for any purpose unrelated to the Title IX Hearing. Once signed, this agreement may not be withdrawn.

### **Investigation Report**

At the conclusion of the investigation, the Investigator will prepare an investigation report (the "Investigation Report") that fairly summarizes relevant evidence. The Investigation Report is not required to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – tending to prove or disprove the allegations) will be referenced in the Investigation Report. The Investigation Report may detail a time-line of the case and summarize relevant supporting documentation. The report may also include the Investigator's assessment of individual credibility. Any information or evidence deemed irrelevant will be kept as part of the case file and stored in a secure database but will not appear in the Investigation Report. The Investigator may redact irrelevant information from the Investigation Report when that information is contained in documents or evidence that is/are otherwise relevant.

In a non-Title IX complaint investigation, the Investigator will send the report to the Campus Director.

In a Title IX complaint investigation, the Investigator will send the report to the Complainant, Respondent, and their Advisors (where relevant), and allow them an equal opportunity to review and respond to the report within ten (10) business days. If parties do not provide the Investigator with a response within ten (10) business days, it will be assumed they reviewed the Investigation Report and chose not to respond. Upon receipt of a response to the report from either party, the Investigator may, but is not required to, amend the Investigation Report, if deemed necessary. The Investigator will then provide the complete Investigation Report, including each party's responses, to the Complainant, Respondent, their advisors (where relevant), and the Case Decision-Maker (as defined below), at least ten (10) business days prior to the scheduled Title IX Hearing.

### **Determinations in Non-Title IX Complaints**

Allegations and claims of discrimination and/or harassment in non-Title IX complaints will be determined by the Campus Director. In determining whether a discrimination or harassment violation has occurred, the Campus Director will utilize the "clear and convincing" standard (evidence presented by a party must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality). After the determination has been made, the complainant and respondent will be provided with written notice of the findings and sanctions (if any). The decision of the Campus Director should be made within forty-five (45) days of receipt of the Investigation Report.

Violation remedies may include, among other things, a written reprimand, academic suspension, discharge or expulsion, formal apology, or training, counseling, or coaching regarding discrimination and harassment policies.

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### **Title IX Hearings**

Title IX Hearings begin with the filing of a formal complaint. The Title IX Hearing process will be concluded within a reasonably prompt manner, generally no longer than one-hundred two (120) days after the filing of the formal complaint, excluding all appeals processes. The time frame for the Title IX Hearing may be extended for good cause, including but not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the case; or the need for language assistance or accommodation of disabilities.

Either party may request an extension during any discrimination and harassment investigation and associated Title IX Hearing (if any) for good cause, provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties. The Investigator has sole judgment to grant or deny all extensions in the process.

Jersey College will not issue a disciplinary sanction arising from an allegation of Title IX violation without holding a live hearing (known as the Title IX Hearing) unless otherwise resolved through the informal resolution process. Neither party can waive the right to a live hearing.

*Notice of Hearing:* The Investigator will provide simultaneous written notice of the Title IX Hearing to the complainant and respondent no less than ten (10) days prior to the hearing. Such notice will include:

- the specific allegations;
- the name of the Case Decision-Maker;
- the time, date, and location of the hearing;
- information on requesting accommodations for a documented disability;
- a statement directing each party to supply the Investigator, with additional witness information and/or any supporting documents they intend to introduce for the first time at the hearing at least five (5) working days before the hearing;
- a statement that each party may raise any objections regarding the Case Decision-Maker's actual or perceived conflicts of interest or bias;
- a statement that the party is entitled to have an Advisor of choice conduct cross-examination on their behalf during the hearing, and a request that the Party notify the Investigator at least five (5) working days prior to the hearing if the party does not intend to select their own Advisor and will require that an Advisor be provided for them by the College; and
- copy of or a hyperlink to the Title IX Hearing Decorum Guidelines, and a statement that a participant's failure to abide by said Guidelines may result in their removal from the hearing.

*Pre-Hearing:* The parties will be given access to the complete case file upon request prior to the Title IX Hearing. The case file will contain the Investigation Report, information provided by the parties, and any additional information gathered by Investigator during the investigation that is directly related to the allegations in the formal complaint. Prior to obtaining access to any evidence, the parties and their Advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Hearing. Once signed, this Agreement may not be withdrawn.

*Participation and Attendance at the Hearing:* Live hearings are not public. The only individuals permitted to participate in the hearing are the parties; the Case Decision-Maker; the Parties' Advisors; witnesses; individuals required for accommodations (if any) ("Support Person"); and a staff member(s) to manage logistical and technical aspects of the Title IX Hearing.

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Participation in the hearing is voluntary. The College will proceed with the live hearing in the absence of any party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.

The College will not threaten, coerce, intimidate, discriminate, or retaliate against any party or witness in an attempt to secure that individual’s participation. The Case Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party’s (or witness’s) absence from the Title IX Hearing or refusal to answer cross-examination or other questions.

All participants at the Title IX Hearing, including the parties, witnesses, and Advisors are expected to behave in a civil and appropriate manner. All participants are required to comply with the Hearing Decorum Guidelines. A participant’s failure to abide by the Guidelines may result in their removal from the Title IX Hearing.

*Case Decision-Maker:* The role of the Case Decision-Maker shall be filled by the President of the College or his or her designee. The Board of Trustees may also appoint an independent third party(ies) as the Case Decision-Maker, in which case the President will excuse himself. In no circumstance will the Case Decision-Maker have served as the Title IX Coordinator, Investigator, or party’s advisor in the same case, nor may the Case Decision-Maker serve as a voting member of the Grievance Board in the same case. The Case Decision-Maker will not have any conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties in a particular case. The Case Decision-Maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, maintaining respect for decorum, and any technology to be used at the Title IX Hearing.

The Case Decision-Maker will make a determination regarding responsibility and sanctions.

*Title IX Hearing Logistics:* The Title IX Hearings will be conducted live with all parties physically present in the same geographic location, but in no circumstance will the parties be required to be physically present in the same room during the hearing. Upon either parties’ request, remote hearing technology will be utilized to enable the party and/or the party’s Advisor and/or Support Person to appear at the live hearing virtually from a separate, private room, or other appropriate location. This technology will enable participants simultaneously to see and hear each other. At the College’s discretion, any or all parties, witnesses, and other participants may appear at the Title IX Hearing virtually through remote hearing technology. Also, at its discretion, the College may delay or adjourn a hearing based on technological errors not within a party’s control.

In the Title IX Hearing, both parties will have the opportunity to present their narrative. The Investigator will then present the investigation report. The parties each will have the opportunity to present witnesses and other information consistent with this policy. The Case Decision-Maker will determine the relevance of any witnesses or information.

The Case Decision-Maker will ask questions of the parties and witnesses (including the investigator). As discussed below, each party’s Advisor will have the opportunity to conduct cross-examination after the Case Decision-Maker conducts an initial round of questioning of each party/ witness. The Case Decision-Maker may pause cross-examination at any time for the purpose of asking follow-up questions and as may be necessary. Witnesses are excluded from the hearing during testimony by other witnesses. The Case Decision-Maker may set reasonable time limits for any part of the Title IX Hearing. Cell phones

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and recording devices may not be used in the hearing room(s) unless approved by the Case Decision-Maker in advance and must be turned off before the hearing convenes.

The College will record all proceedings through audio recording. The parties may seek to include all relevant evidence including, but not limited to, expert testimony and character witnesses.

*Cross-Examination by Party's Advisor:* Each party through an Advisor shall have the right to conduct a live cross-exam of the other party and/or witnesses at a Title IX Hearing. Cross-examination is designed to test the credibility and trustworthiness of the information presented at the hearing.

A party's Advisor may be, but does not need to be, an attorney. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties to a particular case. The Advisor is also not prohibited from being a witness in the matter. The parties can choose to have their Support Person fulfill this function or may select an additional individual to serve as the Advisor at the hearing.

During this live-cross-examination, the Advisor will ask the other party and/ or witnesses relevant questions and follow-up questions (including those challenging credibility) directly, orally, and in real time. A party's Advisor may appear and conduct cross-examination on their behalf even if the party does not attend the live hearing.

The parties are not permitted to conduct cross-examination themselves. Therefore, if a party does not select an Advisor, the College will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination during the hearing at no fee or charge to the party. Where the College provides an Advisor due to a party's failure to obtain or select their own Advisor, the Advisor provided by the College may not be challenged on the ground that the Advisor holds a conflict of interest or bias against complainants or respondents generally, or in favor of or against the parties in a particular case, as the role of the advisor is solely to conduct the required cross-examination.

Before any cross-examination question is answered, the Case Decision-Maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Case Decision-Maker, may be deemed irrelevant if they have been asked and answered.

Prior statements (written or oral) by parties and or witnesses cannot be considered by the Case Decision-Maker unless that individual participates in the Title IX Hearing and agrees to be cross-examined by the other parties' Advisor. This restriction does not apply to information or evidence (such as text messages, emails, videos, and social media postings) that constitute all or part of the Title IX violation itself.

A party may affirmatively waive the right to have their Advisor conduct cross-examination through a written statement provided to the Case Decision-Maker.

*Continuances or Extensions:* The Case Decision-Maker may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a Title IX Hearing. If so, the Case Decision-Maker will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

*Review of Audio Recording:* The recording of the hearing will be available for review by the parties at the

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College within 72 hours of completion of the Title IX Hearing unless there are any extenuating circumstances. However, the parties or advisor will not receive a copy of the recording of the Title IX Hearing.

*Determination Regarding Responsibility:* Jersey Colleges uses the “Clear and Convincing” standard for finding responsibility in Title IX complaints. The “clear and convincing standard” means that the evidence presented by the appealing student must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality.

*General Considerations for Evaluating Testimony and Evidence:* While the opportunity for cross-examination is required in all Title IX Hearings, determinations regarding responsibility may be based in part, or entirely, on written, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Case Decision-Maker.

Case Decision-Makers shall not draw inferences regarding a party’s or witness’ credibility based on the party’s or witness’ status as a complainant, respondent, or witness, nor shall they base their judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party’s or witness’ testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Case Decision-Maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by this policy, a witness’ testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be afforded lower weight than testimony regarding direct knowledge of specific facts that occurred. Other forms of testimony, such as expert testimony and character testimony, will be afforded lower weight relative to the testimony of fact witnesses.

Where a party’s or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Case Decision-Maker may draw an adverse inference as to that party’s or witness’ credibility.

*Components of the Determination Regarding Responsibility:* The written determination regarding responsibility (the “Determination”) will be issued simultaneously to all parties through Jersey College email, or other reasonable means, as necessary. The Determination will include:

- Identification of the allegations potentially constituting Title IX violations;
- A description of the procedural steps taken from the receipt of the formal complaint through the Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- For each allegation: (i) a statement of, and rationale for, a determination regarding

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responsibility; (ii) a statement of, and rationale for, any disciplinary sanctions the College imposes on the respondent; and (iii) a statement of, and rationale for, whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and

- The procedures and permitted reasons for appeal (described below in "Appeal"), including the Appeals Officer's information.

In all cases, no actions may be undertaken by the College that restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

*Time-line of Determination Regarding Responsibility:* If there are no extenuating circumstances, the determination regarding responsibility and sanctions, if applicable, will be issued by the Case Decision-Maker within thirty (30) days of the completion of the Title IX Hearing.

*Finality of the Determination Regarding Responsibility:* The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and time-line outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Note that pursuant to federal law, if the Case Decision-Maker does not find that a student- respondent committed an act of forcible sexual violence, the complainant may only be advised of sanctions imposed against the student respondent that directly relate to the complainant.

*Sanctions and Other Remedial Measures:*

The Case Decision-Maker will impose sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of the sexual harassment.

The Case Decision-Maker will consider the recommended sanction and will consult the appropriate Title IX Coordinator and Section 504 Coordinator to obtain information about sanctions imposed in similar cases. However, the Case Decision-Maker will determine the appropriate sanctions to impose.

In making the Determination, the Case Decision-Maker will consider relevant factors, including, if applicable: (i) facts and circumstances surrounding the event at issue, (ii) the nature of the prohibited conduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (iii) the circumstances concerning the issue of consent (such as force, threat, coercion, intentional incapacitation, etc.); (iv) state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (v) the impact of the offense on the complainant; (vi) the respondent's prior disciplinary history; (vii) the safety of the College's community; and (viii) precedent established by previous sanctions.

*Sanctions for Student Respondents:* For students, sanctions imposed under this policy will be comprised of an "inactive sanction" and, where appropriate, "active sanctions".

An inactive sanction is an official College sanction such as a reprimand, probation, disciplinary suspension, expulsion or dismissal. In instances where it is determined that a student misconduct

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resulting in the suspension or dismissal is of both an intentional and egregious nature, the conduct sanction may be recorded on the student's official transcript with a transcript notation.

An "active sanction" is designed to remedy the effects of the misconduct and/or prevent its recurrence and may or may not be imposed as part of the sanction. Examples of active sanctions include:

- *Restitution*: Repayment to the College or to an affected party for damages resulting from a violation of this policy.
- *Restorative*: Programs, projects, or assignments designed to mitigate the harm done to the affected parties and restore the College community. Restorative sanctions may include (but are not limited to) educational service, letters of apology, and restorative justice practices.
- *Educational Service Hours*: Service to a community organization to be completed by a specified date. Location and projects for completion of educational service must be approved by the Case Decision-Maker.
- *Informal Resolution*: Students may be referred to nontraditional means of conflict resolution. These sanctions may vary case to case.
- *Educational*: Programs, projects, or assignments designed to educate a student or student organization about the consequences of their actions and to impart skills that may help the student avoid future violations.

The following sanctions also may be imposed in a matter under this policy, in addition to (but not in lieu of) the inactive sanction:

- Changing the respondent's academic schedule;
- Revocation of honors or awards;
- Restricting access to College facilities or activities (including student activities and campus organizations);
- Issuing a No Contact Order to the parties or requiring that such an order remain in place;
- Dismissal or restriction from employment; and/or
- Campus ban.

In addition to any sanction, the College may also recommend counseling or other support services for the respondent.

*Sanctions for Employee Respondents*: For employees, sanctions may include discipline up to and including termination of employment, consistent with the terms of all College Policies concerning personnel actions. In addition to any sanction, the College may also recommend counseling or other support services for the respondent.

*Sanctions for Third-Party Respondents*: In cases in which the respondent is not a College student or employee, the Case Decision-Maker will determine an appropriate sanction within the scope of the College's authority.

### **Appeal of Findings**

Either party involved in a formal discrimination and/or harassment complaint process may appeal the decision through appropriate grievance policies (See Institutional Grievance Process). In the case of an appeal of a Title IX determination, an appeal may only be filed as a result of any of the following (i) procedural irregularity that affected the outcome of the matter; (ii) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or (iii) the Title IX Coordinator, investigator, or Case Decision-Maker

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had a conflict of interest or bias that affected the outcome of the matter. No disciplinary sanctions or other actions may be imposed for until the right of appeal has expired.

Disagreement with the finding or sanctions is not, by itself, grounds for appeal. The fact that any criminal charges based on the same conduct were dismissed, reduced, or resolved in favor of the respondent does not require, and will not necessarily result in, a change in the disciplinary decisions and/or sanctions.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures remain available during the pendency of the appeal.

The Grievance Board will be free of conflict of interest and bias, and no member of the Grievance Board may have served as Investigator, Title IX Coordinator, or Case Decision-Maker in the same matter.

The appealing Party must submit the appeal in writing to the Grievance Board within three (3) business days after receiving the Case Decision-Maker's written decision or a notice of dismissal. The time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. Failure to submit a written appeal within the three (3) business day period forfeits the right to appeal under this policy, regardless of the outcome of the other party's appeal (if submitted). If either the complainant or respondent submits an appeal, the Investigator will as soon as practicable notify the other party in writing that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within three (3) business days after notice of an appeal. If both the complainant and respondent appeal, the appeals will be considered concurrently.

## **Sexual Violence**

### **General Prohibition**

Jersey College is committed to providing a safe environment for all students, faculty and staff. Behaviors such as domestic violence, dating violence, sexual assault / rape, and stalking (individually and collectively, hereinafter referred to as "Sexual Violations") that unfairly or unlawfully interfere with an individual's educational pursuits violate Jersey College's policies and procedures and are not tolerated.

The statements below serve as a resource for all stakeholders to understand Jersey College's policies and procedures, as well as a resource for a student's complaining of a Sexual Violation to seek guidance, counseling, or help.

### **Types of Sexual Violations:**

Sexual Violations involve the following:

*Domestic Violence:* The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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In New Jersey, the law defines domestic violence as, “the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: (i) Homicide, (ii) Assault, (iii) Terroristic threats, (iv) Kidnapping, (v) Criminal restraint, (vi) False imprisonment, (vii) Sexual assault, (viii) Criminal sexual conduct, (ix) Lewdness, (x) Criminal mischief, (xi) Burglary, (xii) Criminal trespass, (xiii) Harassment, (xiv) Stalking, (xv) Criminal coercion, (xvi) Robbery, (xvii) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense, or (xviii) Any other crime involving risk of death or serious bodily injury to a person protected under the ‘Prevention of Domestic Violence Act of 1991,’ P.L. 1991, c.261. [. . .] ‘Victims of domestic violence’ means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. ‘Victim of domestic violence’ also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. ‘Victim of domestic violence’ also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.” 2C:25-19 NJRS

In Florida, the law defines domestic violence as, “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.” 741.28, F.S.

In Indiana, domestic violence includes conduct that is an element of an offense under IC 35-42 or a threat to commit an act described in IC 35-42 by a person against a person who: (1) is or was a spouse of; (2) is or was living as if a spouse of; (3) has a child in common with; (4) is a minor subject to the control of; or (5) is an incapacitated individual under the guardianship or otherwise subject to the control of; the other person regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution. IC 35-42 refers to Domestic Battery which occurs when: “a person who knowingly or intentionally: (1) touches a family or household member in a rude, insolent, or angry manner; or (2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member”. IC 35-42-2-1.3

*Dating Violence:* The term “dating violence” means violence committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship, (b) the type of relationship and (c) the frequency of interaction between the persons involved in the relationship.

In New Jersey and Indiana, the law does not define dating violence.

In Florida, the law defines dating violence as, “violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: (i) A dating relationship must have existed within the past 6 months; (ii) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (iii) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the

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relationship. 784.046, F.S.

*Sexual Assault:* The term “sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, Forcible Fondling, Incest, and Statutory Rape.

In New Jersey, the law defines sexual assault as “an act of sexual penetration with another person under any one of the following circumstances:

1. The victim is less than 13 years old;
2. The victim is at least 13 but less than 16 years old; and
  - The actor is related to the victim by blood or affinity to the third degree, or
  - The actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional, or occupational status, or
  - The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
3. The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
4. The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
5. The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
6. The actor uses physical force or coercion and severe personal injury is sustained by the victim; or
7. The victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent. 2C:14-2 NJRS.

In Florida, the law defines sexual battery as “oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.” 794.011, F.S.

In Indiana, the law defines sexual assault “as conduct that constitutes: (1) a misdemeanor or felony under IC 35-42-4 (sex crimes) or IC 35-46-1-3 (incest); (2) a misdemeanor or felony under the laws of: (A) the United States; (B) another state; or (C) an Indian tribe; that is substantially similar to an offense described in subdivision (1); or (3) an attempt to engage in conduct described in subdivision (1) or (2); regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.” A sex crime involves “(a person who knowingly or intentionally has sexual intercourse with a member of the opposite sex when: (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given; commits rape...” IC 35-42-4

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Sexual Assaults also involve the lack of consent. The term “consent” is defined by the Northwestern University Women’s Center as voluntary, positive agreement between the participants to engage in specific sexual activity. New Jersey Courts have defined the lack of consent as to include sexual acts occurring “without the affirmative and freely-given permission of the alleged victim.” State in Interest of M.T.S., 129 N.J. 422 (1992). Florida law defines consent as follows: “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. 794.011, F.S.

Jersey College defines consent as follows:

1. Sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
2. Consent can be given by words or actions, as long as those words or actions express willingness to engage in the sexual contact or activity. If there is confusion or ambiguity, participants in sexual activity are expected to stop and clarify each person’s willingness to continue.
3. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
4. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
5. Silence or the absence of resistance is not the same as consent.
6. Consent must be continually assessed and can be withdrawn at any time.

Effects of alcohol and drugs on consent:

- A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- The use of alcohol or drugs may seriously interfere with the participants’ judgment about whether consent has been sought and given.

*Stalking*: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

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In New Jersey, the law defines stalking as, “purposefully or knowingly engag[ing] in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.” 2C:12-10 NJRS

In Indiana, the law defines stalking as, “a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.” IC 35-45-10-1

In Florida, the law defines stalking as, “a person who willfully, maliciously, and repeatedly, follows, harasses, or cyberstalks another person.” 784.048, F.S.

### **Reporting of Sexual Violations**

The Campus Director and other College personnel are available to guide students and other community members involved with a Sexual Violation complaint. This guidance includes assisting students and other community members with (i) discussing available reporting options, (ii) notifying local authorities, (iii) obtaining a protection order, and (iv) other similar activities. In addition, Jersey College will assist students with and provide written notification of student’s rights to and Jersey College’s ability to change personal and academic activities, including living, transportation, academic, and working arrangements and situations (where such accommodations are reasonably available), regardless of whether the student chooses to report the sexual violation to administration or local law enforcement.

Reporting of and investigations into complaints of Sexual Violations may be pursued through the criminal justice system and/or Jersey College’s disciplinary proceedings. Jersey College strongly advocates that student’s complaints of Sexual Violation be timely reported, either directly to local police or to a Jersey College official, such as a Campus Director. Time is a critical factor for evidence collection and preservation. In addition, Jersey College strongly advocates that community members of the College who are aware of a possible Sexual Violation involving a student encourage the student to seek help and notify the College of the Sexual Violation.

While students and community members of the College have the right to pursue complaints of sexual violations through the criminal justice system, they may elect to refrain from reporting to local authorities and pursue the Sexual Violation complaint through Jersey College’s disciplinary proceedings.

### **Resources for Victims of Sexual Violations**

The first priority for a student involved with a Sexual Violation should be to get to a safe place. Then the student should obtain necessary medical treatment. Students who are aware of a Sexual Violation involving another student should encourage the other student to seek help through local law enforcement or College administration. Jersey College strongly advocates that a student of a Sexual Violation timely report the matter, either directly to local police or to a Jersey College official, such as a Campus Director. Time is a critical factor for evidence collection and preservation.

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### **Active Bystander Intervention**

The Department of Defense Safe Help Line notes that one of the most effective methods of preventing sexual assault is bystander intervention. Active bystander intervention (i) encourages people to identify situations that might lead to a sexual assault and then safely intervene to prevent an assault from occurring and (ii) discourages victim blaming by switching the focus of prevention to what a community of people can do collectively.

### **Risk Reduction**

Although the following are in no way a comprehensive resource, the tips below may decrease the potential chance of sexual assault:

- Don't consume alcohol or do so in moderation
- Individuals always have the right to say "no", even if they first say "yes" and then change their mind.
- Tell a friend what your plans are when going on a date with someone that you do not know very well
- Say "stop", when uncomfortable
- Always travel with a phone
- Walk only in lighted areas after dark

### **General Awareness**

In accordance with federal regulations, Jersey College is informing you that registered sex offenders are listed on the Internet at [http://www.njsp.org/info/reg\\_sexoffend.html](http://www.njsp.org/info/reg_sexoffend.html) and <http://offender.fdle.state.fl.us>.

See Health and Safety - Help Services in this Academic Catalog for hotlines and other sites that are available to assist with Sexual Violations and other issues.

#### *Orientation and General Awareness*

All new students at Jersey College undergo a comprehensive orientation session. As part of this session, the College's policies and procedures are reviewed, including Student Conduct and available resources. Additionally, all new students and employees are provided access to an online Sexual Violence training program hosted on the institution's library website.

Employees are provided with information relating to campus security procedures and crime prevention throughout the hiring process, and participate in periodic training throughout the year. Training includes formal and informal meetings on emergency preparation, security awareness, and sexual violations. Students are provided with information relating to campus security procedures and crime prevention during the new student orientation process.

In accordance with federal regulations, Jersey College is informing you that registered sex offenders are listed on the internet at <http://www.njsp.org/sex-offender-registry/index.shtml> and <http://offender.fdle.state.fl.us>.

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**National Hotlines:**

AIDS Crisis Line	800-221-7044
Alcoholism & Drug Dependency Hope Line	800-622-2255
American Association of Poison Control Centers	800-222-1222
Drug Abuse Hotline	800-662-4357
CDC AIDS Information	800-342-2437
Family Violence Helpline	800-996-6228
GLBT Hotline	888-843-4564
National Crisis Line, Anorexia and Bulimia	800-233-4357
National Domestic Violence Hotline	800-799-7233
National Hopeline Network	800-366-8288
National Runaway Hotline	800-621-4000
National Suicide Prevention Lifeline	800-273-8255
Missing & Exploited Children	800-843-5678
Planned Parenthood Hotline	800-230-7526
Self-Harm Hotline	800-366-8288
The Childhelp National Child Abuse Hotline	800-422-4453
TREVOR Crisis Hotline (Suicide)	866-488-7386
Youth Crisis Hotline	800-448-4663
Poison Control Center	800-764-7661
The Trans Lifeline	877-565-8860

In addition, the following chat lines are available:

Lifeline Crisis:	<a href="https://www.contact-usa.org/chat.html">https://www.contact-usa.org/chat.html</a>
Veterans Crisis:	<a href="https://www.veteranscrisisline.net">https://www.veteranscrisisline.net</a>
Suicide Prevention Wiki:	<a href="https://suicideprevention.wikia.org/wiki/International_Suicide_Prevention_Directory">https://suicideprevention.wikia.org/wiki/International_Suicide_Prevention_Directory</a>
Child Help:	<a href="https://www.childhelp.org/childhelp-hotline/">https://www.childhelp.org/childhelp-hotline/</a>
Trans Lifeline:	<a href="https://www.translifeline.org/hotline">https://www.translifeline.org/hotline</a>

**New Jersey Resources:**

Ambulance & Police 24 Hours	9-1-1
Coalition for Battered Women	888-883-2323
Domestic Violence Hotline	800-572-7233
Rape Crisis Hotline	201-488-7110
Drug Hotline (NJ)	800-225-0196
Crisis Intervention Hotline	973-540-0100
Emotional and Substance Abuse	800-LIFE-NET
NJ AIDS Hotline	800-624-2377

**Florida Resources**

Ambulance & Police 24 Hours	9-1-1
FL Coalition Against Domestic Violence	800-500-1119
FCASV Rape Crisis Hotline	888-956-RAPE
FL Dept. of Corrections Victim Assistance	850-488-9166
FL AIDS Hotline	800-FLA-AIDS
Family Source Parent HelpLine	800-FLA-LOVE
Project Hope Disaster Crisis Counseling	866-518-1825

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**Indiana Resources**

Ambulance & Police 24 Hours	9-1-1
IN Coalition Against Domestic Violence	317-917-3685
Rape Crisis Hotline	765-643-0200
IN Coalition to End Sexual Assault	317-624-2370
IN Victim Services Division	866-891-0300
HIV/AIDS Hotline	800-243-2437
IN Addiction Hotline	800-662-HELP