



TCNJ THE COLLEGE OF
NEW JERSEY

THE COLLEGE'S ANNUAL SECURITY AND FIRE SAFETY REPORT 2022

Stats for calendar years 2019–21



Table of Contents

A Message from the President.....	3
A Message from the Chief of Police.....	3
Safe Campus Policy.....	4
Reporting Crimes and Emergencies.....	4
Authority of the Office of Campus Police Services and Relationship with Other Law Enforcement Agencies.....	5
Campus Safety Measures.....	5
Crime Prevention Tips.....	5
Safety and Security in Campus Facilities.....	5
Crime Prevention.....	5
Timely Warning, Emergency Notification, and Evacuation.....	6
Missing Student Statement.....	7
Relationship with Student Conduct Systems.....	7
Access to Campus Facilities.....	7
Alcohol and Other Drug Support Services.....	8
Dating Violence, Domestic Violence, Sexual Assault, and Stalking Prevention.....	8
Intervention and Prevention Strategies.....	9
Risk Reduction Strategies.....	10
Reducing Risk of Committing Unwanted Sexual Acts.....	10
Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking.....	11
Confidential Resources.....	12
Resources for Victims.....	12
College Disciplinary Procedures.....	13
Employee Disciplinary Proceedings.....	13
Student Disciplinary Proceedings: Non-Title IX & Sexual Misconduct Cases.....	15
Student Disciplinary Proceedings: Title IX & Sexual Misconduct Cases.....	16
Notification of Disposition and Appeal Procedures in a Student Disciplinary Proceeding.....	19
Possible Sanctions in a Student Disciplinary Proceeding.....	19
Prohibition of Retaliation.....	21
Disclosure of Results of Disciplinary Proceedings per FERPA Regulations.....	21
Fire Safety Education and Awareness.....	21
Campus Town.....	22
Crime Statistics.....	23
Sexual Offenses.....	25
VAWA Offenses.....	25
Fire Statistics.....	26
Fire Safety Definitions.....	31
Hate Crime Definitions.....	31
Offenses Reported Definitions.....	32
Important Telephone Numbers.....	33
Campus Map.....	35

As mandated by the Clery Act, also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the college publishes these annual crime statistics. In addition to offenses reported to TCNJ's Office of Campus Police Services, the crime statistics report also includes offense reports obtained from local police agencies, the New Jersey State Police, and college offices and officials, including: Student Affairs, Student Conduct, Residential Education and Housing, Human Resources, Student Health Services, Anti-Violence Initiatives, Athletics, Conference and Meeting Services, and Facilities. Although students, employees, and others are encouraged to report all criminal activity to TCNJ's Office of CPS and/or local police, reports may also be made to officials of the above offices for statistical reporting and timely warning purposes.

Disclaimer — The provisions of this document are not to be regarded as a contract between the student or employee and The College of New Jersey. The policies, programs, and services described herein are subject to change from time to time at the sole discretion of the college. The policies, programs, and services described herein are not intended to be a guarantee of individual safety or the protection of personal property.

A Message from the President

Dear Members of the TCNJ Campus Community,

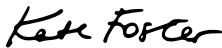
Throughout the past year, the attention of the world has been focused on health and safety in ways we have never experienced. Each of us has been in a position to protect ourselves, our families, and the community around us. At The College of New Jersey, the safety and security of its students, faculty, staff, and visitors has always been at the very top of our priorities. In this light, I am pleased to provide for your review and information this year's **Annual Security and Fire Safety Report**. The report highlights our work in safety and security and provides valuable information regarding safety measures and resources for all members of the campus community.

You will see from the report that our safety record is strong. Yet our goal as a campus community is not merely to have good statistics to report, but also to create an environment in which all community members feel comfortable in reporting concerns. A safe community is the result of broad involvement and the entire campus working together.

TCNJ's Office of Campus Police Services has been proactive in promoting safety and preventing crime on our campus and in establishing outreach programs to protect and educate members of the campus community. The Office of Campus Police Services is committed to making continuous improvements in campus security and safety. In your role as community member, please continue to cooperate with our campus police and security officers to assist them in preventing and responding to crime on campus.

Thank you for being an active member of the college community and helping to make our campus safe for all. If you have any questions or would like more information regarding campus safety and security, please contact the Office of Campus Police Services administrative offices at 609.771.2171.

Sincerely yours,



Kathryn A. Foster
President

A Message from the Chief of Police

Dear Community Members,

The College of New Jersey Office of Campus Police Services (CPS) wishes to welcome you to campus. We want to assure you that our goal is to help everyone in our Campus Community feel safe, respected, and heard.

CPS sees itself as a partner in making TCNJ an inclusive environment and we are committed to professional policing that is unbiased, fair, and transparent.

Our commitment to the community goes beyond rhetoric. It is apparent in the professionalism of our service, the conspicuity of our policies and procedures, and our ongoing effort to continuously improve the accountability of the CPS team.

To ensure our transparency and accessibility, CPS posts our policies, procedures, training, and community outreach on our webpage. In particular, the "about" section contains copies of the college's annual security reports, as well as our body-worn camera policy, use of force policy, and immigrant trust directive.

We encourage you to visit campuspolice.tcnj.edu for details.

On that site, we also invite your comments at any time via our Compliment or Complaint Form. The work we do in CPS is vital to TCNJ living up to its values, and it can only be done when we work together. As we work to strengthen our bonds with the TCNJ community, we hope that you will stand in partnership with us.

Sincerely,



Timothy Grant
Chief of Police/Director of Campus Security

Safe Campus Policy

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) requires all institutions of higher education to annually publish crime and fire safety statistics in its Annual Security Report (ASR) and distribute them to all students and employees. The ASR serves as a way to provide the Campus Community with information about the college's security policies and procedures and statistics on reported incidents of certain crimes ("Clery Crimes"). The College of New Jersey's annual statistics include Clery Act Crimes that occurred within TCNJ's Clery Geography, meaning: on campus, in or on non-campus buildings or property, or on public property, as those terms are defined in the Clery Act.

The ASR includes information requested and obtained from the following sources in addition to the Office of Campus Police Services ("Campus Police" or CPS): Ewing Township Police Department, Mercer County Prosecutor's Office and other police departments in other jurisdictions where applicable, and non-police "Campus Security Authorities" (CSAs). CSAs are defined by federal law as university officials who have "significant responsibility for student and campus activities, including, but not limited to, student residential housing, and Title IX & Sexual Misconduct."

CSAs are required to report to the Office of CPS any Clery Act Crime reported to the CSA so that the college can do the following: (1) provide appropriate notification to the Campus Community if there is a crime posing an ongoing threat to the safety of college members; (2) investigate the reported crime, if warranted; and (3) disclose accurate crime statistics as required by the Clery Act. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Reporting for the purposes of the Clery Act does not require initiating an investigation or disclosing identifying information about the alleged victim.

The college has a Clery committee which meets several times throughout the academic year to discuss the compiling of the ASR. The committee is run by the TCNJ Campus Police Services Administrative Sergeant and has representatives from across campus responsible for data reporting in their area. During these meetings, the ASR is reviewed and edited for new information regarding policy or procedural changes and non-identifiable information is shared by office representatives to compile the yearly report.

All of the statistics are gathered, compiled, and reported to the college community via this report, which is compiled and published by the Office of CPS. The office submits the annual crime statistics published in this report to the U.S. Department of Education. The statistical information gathered by the Department of Education is available to the public on its website, campuspolice.tcnj.edu/resources/stats.

Campus Community. Campus Community refers to students, faculty, and staff of The College of New Jersey.

Clery Geography. Clery Geography refers to on campus, in or on non-campus buildings or property, or on public property, as those terms are defined in the Clery Act.

Campus Security Authority. Employees who are a Campus Security Authority (CSA) are those who have significant responsibility for student or campus activities or who have security responsibilities as part of their jobs. At TCNJ, CSAs are represented by, but not limited to, the following departments: Campus Police Services, Provost/Vice President for Academic Affairs, Vice President for Inclusive Excellence, Vice President for Student Affairs, Dean of Students, Title IX & Sexual Misconduct, Student Conduct, Residential Education and Housing, Accessibility Resource Center (ARC), and Athletics.

Clery Act Crimes. Clery Act Crimes cover four distinct categories: (1) Criminal Offenses, including criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson; (2) a Criminal Offense plus any incidents of larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim; (3) Violence Against Women Act ("VAWA") Offenses, including domestic violence, dating violence, and stalking; and (4) Arrests and Referrals for Disciplinary Action, including weapons law violations, drug abuse violations, and liquor law violations.

TCNJ is committed to informing students, faculty, staff, and the surrounding community of all incidents that may impact safety and security. The Campus Community is encouraged to report all crimes, whether actual, attempted, or suspected, and all emergency situations to the Office of CPS directly, or anonymously through their Tips line or any other CSA. Additionally, crimes or incidents may be reported to college officials as enumerated under the *Sexual Harassment, Misconduct, & Discrimination Policy* and, even though the crime or incident may not be investigated due to the victim's wishes, timely notification to the Campus Community may still be required.

The Office of CPS also maintains a daily crime log that is available upon request for viewing by the Campus Community and the general public at any time. This log maintains a listing of all crimes reported to the Office of CPS. The Office of CPS reserves the right to exclude information that may involve a criminal investigation or confidential matter from public dissemination. The Office of CPS also maintains a daily fire log available to the public of incidents occurring in on-campus student housing.

Reporting Crimes and Emergencies

The College of New Jersey's Office of CPS provides law enforcement, security, and dispatch services 24 hours a day, seven days a week. The community is encouraged to accurately and promptly report all crimes, whether actual, attempted, or suspected, and all emergency situations to the Office of CPS directly by calling 911 or 609.771.2345 or through CPS's anonymous Tips line at 609.538.8180, particularly when the victim of a crime elects to or is unable to make such a report.

It is important to know that a formal police report or investigation is not needed in order for a crime to be included in the crime statistics provided in this report. CSAs are surveyed monthly for their input during the course of the year.

The data collected may be anonymously submitted; the Office of CPS does not collect victim information unless specifically authorized by the reporting person.

Those interested in reporting instances of sexual assault, dating or domestic violence, stalking, or other forms of sexual violence, are also encouraged to do so and should see the Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking section for specific details.

Outdoor emergency telephones are installed on campus. These telephones are clearly marked with Emergency Blue Lights and provide direct contact with the Office of CPS. Fire, police, or medical emergencies may be reported from any campus telephone. Students are encouraged to program 609.771.2345 into the contacts in their cell phone so that they can easily contact the Office of CPS. Safe Walks are provided by security and police officers throughout the evening and early morning hours.

To request a Safe Walk, call ext. 2345 from any campus telephone or 609.771.2345 from your cell phone.

In accordance with New Jersey law, individuals who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for a sex offense must register under New Jersey's Megan's Law. The specific offenses for which registration is required can be found in New Jersey Code at 2C:7-2. New Jersey Sex Offender Internet Registry | New Jersey State Police njsp.org/sex-offender-registry/.

Authority of the Office of Campus Police Services and Relationship with Other Law Enforcement Agencies

The Office of CPS is located within the college's Information Technology and Campus Safety Division and reports to the CIO and Vice President for Information Technology and Campus Safety. TCNJ's Office of CPS consists of a chief, associate director, lieutenants, sergeants, patrol officers, public safety telecommunicators, and security officers.

All TCNJ Police are sworn officers who are fully trained, commissioned, and armed in accordance with the state laws under which they are appointed. They have all powers of police, including the authority to arrest in criminal cases and offenses against the law throughout the State of New Jersey.

The Office of CPS maintains a close relationship and consults with the Ewing Township Police Department on matters of mutual concern. The Ewing Township Police Department and its officers also have full police authority on the campus (Source: NJSA 18A:6-4.2 et seq.). Incidents occurring on campus are handled fully by the Office of CPS. This includes the duties of response, investigation, and subsequent prosecution of any criminal activities.

The Mercer County Prosecutor's Office, Sheriff's Department, and New Jersey State Police have MOUs with TCNJ, and also serve as valuable resources to the Office of CPS when needed. The college also occupies several off-campus properties in Ewing Township. The College of New Jersey recognized student organizations do not own or control any off-campus properties. While particular locations are not monitored for criminal activity, the Ewing Township Police Department responds to emergencies and criminal activity at these locations and shares pertinent information concerning the illegal activity of The College of New Jersey students in the community with the Office of CPS whenever appropriate.

Campus Safety Measures

- Safety Walk Program
- Crime Prevention Program
- Timely Warnings and Emergency Notifications
- To sign up for text message alerts: emergency.tcnj.edu
- Office of Campus Police Services website: campuspolice.tcnj.edu
- "Cop Shop" column in the student newspaper, *The Signal*
- Alcohol Awareness Programs
- Emergency Blue Light telephones
- Campus lighting checks
- Traffic safety
- AEDs (automatic-defibrillators)

- Electronic and Bicycle Registration and Tracking Asset Program
- Bicycle and Foot Patrols
- Narcan (opioid inhibitor)
- Campus Police Services "CLEAR Team" Community Law Enforcement Affirmative Relations
- TCNJ EMS: tcnjems.tcnj.edu

Crime Prevention Tips

- Call 911 from any campus phone, cell phone, or Emergency Blue Lights located around campus to report any suspicious activity or emergency.
- Value your safety as well as the safety of others.
- Always be aware of your surroundings.
- Report all suspicious persons or activities, safety hazards, or unsafe lighting to the Office of CPS at 609.771.2345.
- Don't walk alone. Get a friend to walk, jog, or run with you. Call the Office of CPS at 609.771.2345 for a Safety Walk.
- At night, always choose a well-lit and well-populated walking route.
- Develop a relationship with your neighbors; check in with each other.
- Have your keys in hand before you get to your residence or vehicle.
- Never take shortcuts through poorly lighted areas.
- Properly secure your living area. Avoid allowing non-ID holders to enter when you swipe into your residence hall, and never prop open exterior doors.
- Keep your doors and windows locked at all times.
- Never leave your book bag, purse, laptop, or other valuables unattended.
- For individuals who commute to school, do not leave valuables such as electronics, clothing, loose change, or other personal items in your car. If you need to leave anything in your vehicle, do not leave it in plain sight. Make sure you always lock your doors.

Safety and Security in Campus Facilities

Security and safety issues are given high priority in the design of new facilities. The Office of CPS, in an ongoing program, conducts security surveys of existing facilities, with findings and recommendations forwarded to the appropriate administrative areas for remedial action when necessary. Periodic assessments of campus lighting and emergency telephones are conducted, and deficiencies are promptly addressed by the appropriate administrative area.

Crime Prevention

General information, crime prevention, and safety awareness materials are distributed to incoming students and their families during orientation. As part of our TCNJ community policing philosophy, the Office of CPS partners with the Department of Residential Education and Housing annually to implement community outreach presentations relating to crime awareness, prevention, and services and educate every first-year student during floor meetings in each residence hall. Additionally, the Chief of Police or designated member of Campus Police addresses all first-year students during welcome week.

The Crime Prevention and Security Awareness Program is an effort in which students, faculty, and staff team together with the Office of CPS to help prevent crime and educate the Campus Community through educational programs and interactive events. These programs and events occur periodically throughout the academic year. Please call 609.771.2345 for further information.

Crime prevention information and reporting procedures can be found on the Office of CPS webpage listed below. Human Resources provides the *Annual Security and Fire Safety Report* to new employees. A weekly “Cop Shop” feature in the student newspaper, *The Signal*, is an important element of our crime prevention effort, as is the Office of CPS webpage campuspolice.tcnj.edu.

Timely Warning, Emergency Notification, and Evacuation

Under the Clery Act, colleges and universities use Timely Warnings and Emergency Notifications to inform the Campus Community of potential threats against which they can take preventive measures. These ongoing disclosure requirements, when implemented, can help to create and promote a safe campus environment.

When to Release a Timely Warning/ Emergency Notification

Timely Warning

The college issues Timely Warnings when a Clery Crime within the college’s Clery geography has occurred, which includes, but is not limited to:

- Criminal homicide
- Sex offenses
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson

The warning will be issued as soon as pertinent information is available and will be distributed to those within the entire Campus Community. Timely Warnings do not need to be issued immediately, but will be released as soon as the commission of a Clery Crime is confirmed, it is determined to be an ongoing threat, and useful information can be disseminated in efforts to mitigate the threat and prevent future incidents.

The names of victims and information that would lead to the identification of a victim are considered confidential and will not be released in a Timely Warning.

Emergency Notification

An Emergency Notification will be released to the Campus Community for any situation or incident that “involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees” of the college.

An Emergency Notification may be warranted in situations including, but not limited to: an active shooter situation, fire, gas leak, severe weather event, or to alert the campus of the need to evacuate a particular building or area, or the entire campus.

The Office of CPS will, without delay, considering 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 — including,

but not limited to, the Office of CPS, the Ewing Township Police Department, the Ewing Fire Department, and the Ewing First Aid — compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Office of CPS receives information from various offices and departments on campus. If the Office of CPS confirms there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the college community, CPS will collaborate as necessary with the appropriate college and municipal partners to determine the content of the message and immediately communicate the threat to the Campus Community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. In extreme circumstances, the college may also decide to evacuate individual segments or the campus as a whole.

Method for Collecting Timely Warning/ Emergency Notification Information

Information may be received from several different sources, including Campus Police, local police, prosecutor’s office, or any other law enforcement agency. Additionally, crimes or incidents may be reported to college officials as enumerated under the *Sexual Harassment, Misconduct, & Discrimination Policy* and, even though the crime or incident may not be investigated due to the victim’s wishes, a Timely Warning may still be required. A Timely Warning may not be required with respect to crimes reported to a pastoral or professional counselor of the college.

Who is Authorized to Issue a Timely Warning/ Emergency Notification

Timely Warnings should be released, in most instances by the Vice President for Advancement or their designee, in consultation with the Vice President for Operations and the Office of CPS.

In emergency situations, the Chief of Campus Police, or their designee, may issue the Emergency Notification for the safety of the community. If the incident relates to a criminal investigation involving the prosecutor’s office, they shall assume responsibility for the timing of the community notification in consultation with college officials.

How to Release the Timely Warning/Emergency Notification

Timely Warnings and Emergency Notifications will be communicated in a manner designed to reach the wider Campus Community. Text message and email are the most common available options. However, the method(s) to be used is at the discretion of the Chief of Police and Associate Vice President for Communication, Marketing, and Brand Management and will be determined based on the nature of the incident and the urgency of the information to be communicated as further outlined in the Office of Communication, Marketing, and Brand Management’s emergency response protocol. A Timely Warning/Emergency Notification can be issued in many ways, including without limitation one or more of the following:

- Alert on TCNJ web pages
- Mass email
- Text messaging, voicemail, personal email
- Instant messaging through SEND WORD NOW application
- Social Media
- Listservs
- Bullhorns
- Public Address system

The communication systems employed will depend upon the specific circumstances of the incident. In the event of a serious incident that poses an immediate threat to members of the college, updates will be posted during a critical incident on the college homepage, TCNJ.edu.

If the college issues an Emergency Notification and that notification is broadly distributed to the campus, it need not issue an additional Timely Warning for that specific emergency or dangerous situation, provided that material follow-up information will be communicated as appropriate.

Notification systems and procedures will be reviewed annually by either simulated testing or diagnostic review of actual Timely Warning or Emergency Notification messaging. The college Emergency Response Team conducts and documents semi-annual emergency response drills to evaluate associated protocols and procedures. The college Emergency Response Team will schedule and track table top drills or full-scale exercises designed to assess and evaluate the emergency plans.

Missing Student Statement

The college requires every student, regardless of their age, to identify an emergency contact. That person shall be the first contact person in the event that the student would be officially reported missing during their tenure at the college. This information will be maintained confidentially, and will only be provided to authorized campus officials. It will be disclosed to law enforcement personnel in furtherance of a missing person investigation.

If a residential or professional staff member has reason to believe that a resident student's absence is contrary to their normal behavior, the Office of CPS shall be notified immediately at 609.771.2345 and will initiate an investigation. The investigation conducted by the Office of CPS will begin immediately upon receipt of the report and may include, but is not limited to, notifying local law enforcement agencies and distributing information to the National Crime Information Center (NCIC). The college has 24 hours after receiving the report to initiate specific emergency notification procedures. However, the college can initiate emergency procedures before 24 hours has passed.

When the student is under the age of 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

The Office of CPS will accept, without delay, any report of a missing person. Any report of a missing student to a college Security Authority will immediately be forwarded to The College of New Jersey Office of CPS. Reports of missing persons will be expeditiously investigated. The Office of CPS will be the lead investigative agency when in receipt of a missing persons report, unless another law enforcement agency assumes primary responsibility. When possible, a liaison will be established to support the missing student's family and to assist in the investigation.

Relationship with Student Conduct Systems

The Office of CPS maintains close working relationships with the Office of Student Conduct & Off-Campus Services, the Office of Title IX & Sexual Misconduct, and the Department of Residential Education and Housing. Officers within CPS may refer cases to the student conduct process in addition to the formal criminal justice system. It is standard practice of the Office of CPS to fully inform victims of additional options through college and non-college entities.

College student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and college policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the *Student Conduct Code* and *Sexual Harassment, Misconduct, & Discrimination Policy* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct & Off-Campus Services and/or Title IX Coordinator.

Prior determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules are later dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Access to Campus Facilities

The Office of CPS works closely with college departments to ensure a safe environment exists for students.

Residential students may notice police staff working alongside residence education staff members on their rounds to enhance the quality of life in residence facilities.

Residence halls are open only to campus residents and their invited guests and authorized college personnel and are so posted, consistent with New Jersey trespass statutes. Entrances to campus residence halls are equipped with card reader identification systems, which provide 24-hour access to campus residents. During evening and early morning hours, those seeking admittance to some facilities are additionally required to present proof of residency or, if they are guests, to present identification and be signed in by a resident. Due to public health conditions, guests may be limited or restricted altogether in accordance with state and college guidelines. At times, events hosted by student organizations or college offices will take place in the lounges. Participants in such programs are not permitted to go into residence room areas without an appropriate host or escort.

All other on-campus buildings, including academic, administrative, student services, and recreational facilities are open to members of the Campus Community and general public in accordance with administrative direction and the *Use of Campus Property Policy* during regular business hours. Individual academic departments establish access policies in academic buildings during hours when classes are not in session, tcnj.edu/property.

Alcohol and Other Drug Support Services

The College of New Jersey is an educational institution committed to maintaining an environment that enables community members to enjoy the benefits of an optimal learning experience.

To this end, the Alcohol and Drug Education Program (ADEP), was created at the college in September 1990. In 2022, the program was restructured to encompass expanded services and renamed Alcohol and Other Drug Support Services (AOD Support Services) as a specialty area housed within Counseling and Prevention Services (CAPS).

AOD Support Services' mission is to help students thrive through achieving holistic health and wellness by reducing, mediating, and/or healing from the harmful impact of problematic alcohol and other drug use. We aim to promote and empower healthy, joyful, and life-affirming choices and behaviors.

AOD Support Services engages in prevention and harm-reduction work through educational programming and environmental management in order to reduce and avert potential problems. To address substance use related problems we offer counseling services; and to help students heal, we facilitate the return to optimal health through recovery support services. AOD Support Services offers the full continuum of AOD intervention services and provides multifaceted programming to address the full array of unique student needs.

AOD Support Services is located within Forcina Hall 308. Students, faculty, and staff can request and/or learn more about prevention education, counseling, and recovery support services via the TCNJ Counseling and Prevention Services website at caps.tcnj.edu/about/areas/aod/.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking Prevention

The *Sexual Harassment, Misconduct, & Discrimination Policy* ("Policy") prohibits sexual assault, dating and domestic violence, sexual harassment, stalking and gender-based discrimination and harassment. The College of New Jersey ("TCNJ" or the "college"), as an institution of higher education and a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of students, faculty, and staff to be compatible with its high standards of conduct. For the college, this means a firm institutional commitment to protect the community and the rights of its members, and to cultivate and sustain a positive living and learning environment. Thus, sexual harassment, including misconduct such as sexual assault, domestic or dating violence, and stalking (collectively, "Prohibited Conduct") will not be tolerated. Note, any reference in the *Sexual Harassment, Misconduct, & Discrimination Policy* to a person or role in the policy or process is intentionally gender neutral to reflect the college's commitment to an inclusive policy. Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations protects people from discrimination, based on sex, in education programs or activities. Title IX & Sexual Misconduct states that: "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." The U.S. Department of Education's Office for Civil Rights ("OCR") enforces compliance with Title IX and emphasizes the importance of providing an educational environment free from discrimination.

The college prohibits any such unlawful discrimination. Therefore, any acts of Sexual Violence against an individual (whether student, faculty, or staff) constitutes such discrimination and in some cases may be a crime.

Guided by the mission of Student Affairs, the Anti-Violence Initiatives branch of Counseling and Prevention Services (AVI) leads the campus effort to prevent issues of sexual assault, domestic/dating violence, and stalking by working with community partners to create a campus environment that is intolerant of abuse and is responsive to the needs of victims/survivors. Our objective is to establish a campus culture of safety, free from sexual violence, resulting in a safer living and learning environment. AVI provides bystander intervention and other prevention programs for members of the TCNJ community, such as programs during orientation, programs for first-year residence halls, student organizations and athletic teams, awareness months, and social marketing campaigns. Acts of sexual violence are prohibited by the *Sexual Harassment, Misconduct, & Discrimination Policy*, *Student Conduct Code*, and New Jersey state law.

- **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** A "victim of domestic violence" includes any person, regardless of age, who has been subjected to violence by a person with whom the victim has a child, or with whom the victim anticipates having a child, if one of the parties is pregnant, and any other person who is a present or former household member. "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.
- **Sexual Assault.** Any form of unwanted or involuntary touching or penetration of intimate body parts by a person of the same or opposite sex. This can include being forced to touch someone else. "Unwanted or involuntary" means sexual contact without the consent of the victim, including the use of threats, intimidation, coercion, or physical force. It also includes victims who are unable to give consent because of their age or because they are physically helpless, mentally incapacitated, or intoxicated.
- **"Effective Consent."** Is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

A person may be unable to give Effective Consent when they are unable to consent due to their age, or because the person is physically helpless, mentally incapacitated, or incapacitated from alcohol or other drugs.

Effective Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Effective Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Effective Consent may be initially given but withdrawn at any time.

Effective Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm.

When Effective Consent is withdrawn or can no longer be given, sexual activity must stop immediately.

- **“Incapacitated.”** Is a state in which a person lacks the capacity to understand the fact that a situation is sexual, or cannot understand or make a rational and reasonable judgment about the nature and/or extent of a situation (the “who, what, when, where, why, and how” of the sexual interaction). A person who knows or should reasonably know that another person is incapacitated may not engage in sexual activity with that person. Persons who meet any of the following criteria or conditions are incapacitated: (i) sleeping; (ii) passed out or otherwise unconscious; (iii) under the age of consent or under a certain age in relation to the other party to the sexual activity (both of which are matters of state law); or (iv) due to a disability, do not have the mental capacity to consent.

A person who does not meet any of those criteria or conditions for incapacity may become incapacitated through the use of alcohol or drugs. Such a person’s state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than that required to produce the minimum levels of influence, impairment, intoxication, inebriation, or drunkenness. Factors that can influence a person’s status include gender, body size, and composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs taken or administered, and the mixture taken; amount of food intake prior to ingestion; propensity for blacking out; genetics; and time elapsed since the ingestion of the alcohol or drugs.

The effects of alcohol and drug use often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. It exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which the person is conscious, but has limited ability to form or retain memories, and may exhibit verbal or non-verbal (e.g., a nod) expressions that under normal circumstances between two individuals acting with full capacity might reasonably be interpreted as conveying consent. Because that person does not have the capacity to consent, despite those expressions, consent is lacking. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication due to alcohol and/or drug use. The relevant standard that will be applied is whether the respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

- **Stalking.** Purposefully or knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person or to suffer other emotional distress.

Intervention and Prevention Strategies

The college strictly prohibits any form of dating violence, domestic violence, sexual assault, stalking, sexual harassment, or any form

of discrimination based on sex or gender. To help prevent these behaviors from occurring, various programs and initiatives, which run through the Anti-Violence Initiatives branch of CAPS, are offered to the Campus Community.

Ongoing prevention education throughout the year is open to all faculty, staff, and students and revolves around the following topics: healthy relationships, bystander intervention, healthy sexuality, how to support victims/survivors and gender socialization. Programming is often cosponsored by student organizations and departments within Academic and Student Affairs.

Healthy relationships programming explores what it means to be in a healthy relationship by emphasizing skill development in self-esteem, communication, personal boundaries, and assertiveness. This program also raises awareness about the warning signs for unhealthy relationships.

Bystander intervention programming helps participants recognize the role of the bystander in violence prevention, teaches skills to intervene in instances of violence, and offers opportunities for audience members to reflect on what might get in the way of their interventions. The overarching goal is to inspire participants to act and to feel they have a part to play in violence prevention

Healthy sexuality programs illustrate the negative impacts of gender stereotypes when trying to establish relationships within and between genders, establish a foundation for all genders to communicate with one another, show that consent is essential for sexual activity and promotes the knowledge and sense of empowerment to express sexuality in ways that contribute positively to self-esteem and relationships with other people.

In order to maintain visibility of issues surrounding sexual violence and elevate our prevention efforts, AVI hosts three awareness months throughout the academic year in addition to ongoing programmatic efforts. In October, they host Domestic/Dating Violence Awareness Month in which they focus on the various forms of domestic/dating violence may take and help students recognize signs of it in relationships they are a part of or witness and build skills to address these concerns. Throughout this month, they also host a series of workshops (open to the Campus Community) based on the Escalation video produced by the One Love Foundation. This video shows a domestic/dating violence relationship from its beginning and highlights the sometimes more subtle aspects of this form of violence. Additionally, AVI hosts tabling programs that focus on engaging men in violence prevention and raising awareness of men as victims, how to support survivors of domestic violence, and how to safely intervene should one witness domestic violence.

In February, AVI hosts Stalking Awareness Month and focuses on the ways in which our culture may contribute to stalking behaviors and how students can recognize different actions that contribute to stalking. Throughout the month, they host a series of workshops on healthy relationship behaviors, how to identify and intervene on stalking behaviors, and how to support survivors of stalking. AVI also hosts tabling events on how stalking impacts specific populations and condensed versions of our workshops.

In April, AVI hosts Sexual Assault Awareness Month, focusing on how our culture may contribute to sexual assault, how to support survivors, and what can be done to reduce instances of this form of violence on campus. A series of open workshops on healthy sexuality, supporting survivors, and how to safely intervene are also offered. The campus participates in Denim Day, an international day of remembrance and protest after an Italian court ruled that a survivor of sexual assault must have consented because their jeans were too

tight to have been taken off by another person. Lastly, AVI organizes a Day to End Rape Culture, a large, expo-style event in which roughly 30 presenters host tables about different ways our society and culture subtly permit or encourage violence. At each table, attendees are challenged to learn about different topics and learn tangible skills to address them in our day-to-day lives. This event involves students, staff, and faculty from across campus and our community partners as presenters, attendees, and support staff.

Throughout a student's academic career, they will have many ongoing opportunities to engage in prevention programming. However, incoming students receive additional rounds of education.

Prior to starting classes, incoming students are notified of a mandatory, online training about bystander intervention and provides an overview of Prohibitive Conduct under the college's *Sexual Harassment, Misconduct, & Discrimination Policy*, as well as definitions for these acts according to New Jersey State Law. TCNJ uses a program called "U Got This!," which is offered by a vendor called Catharsis Productions. TCNJ uses the Green Dot Strategy as its bystander intervention program and the concepts discussed in the U Got This! Program align with other bystander intervention curriculum and provides the first dose of education prior to the students even beginning classes. During Welcome Week, incoming students attend a large presentation designed to build skill sets around bystander intervention, how to ask for consent and how to support survivors. In the first six weeks of the semester, student peer educators visit freshmen residence halls and provide one-hour trainings to each floor, teaching students how to identify situations that could lead to sexual violence and how to intervene safely. In the span of six weeks, incoming students receive three instances of violence prevention education.

In addition to focusing on freshmen, AVI strategically works with other high-risk populations, such as varsity and sport club athletes and fraternities/sororities. In accordance with NCAA regulations, varsity and sport club athletes receive training on an annual basis. Sororities and fraternities are required to attend violence prevention programming throughout the year, as well, and often co-sponsor events to demonstrate investment across Greek Life. As part of their orientation training, Residential Education's Community Advisors, Orientation Leaders, and Ambassadors receive yearly training around how to respond to a disclosure of sexual violence, victim/survivors' rights and resources, and violence prevention strategies. All new employees receive training during their orientation meetings with Human Resources and are offered ongoing opportunities to complete an online training. Training, regardless of format, discusses the prevalence of these crimes on campus, why people perpetrate, federal requirements for campuses, the power of primary prevention, an overview of the college's policy definitions for forms of Prohibitive Conduct, including acts of sexual violence and discrimination, how to be an active bystander, Title IX, and what it means, reporting obligations, trauma-informed response, campus policies and resources, risk reduction strategies, and more.

Risk Reduction Strategies

Sexual violence is never the victim's fault. The tips outlined below are offered in the hope that recognizing patterns can help individuals reduce the risk of victimization and assault.

Here at TCNJ, we believe no one can do everything, but everyone can do something. If you see a risky situation developing, you can use the three Ds to intervene safely. Direct interventions involve communicating with the person potentially causing harm or being

harmed; Distract(ing) interventions involve breaking up the situation through causing a distraction (such as suggesting a new activity, spilling your drink); Delegate(d) interventions involve recruiting help/support from another person or resource (this could be a friend, a CA, host of the party, etc.).

Reducing risk of nonconsensual acts:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are questioning a decision. Respect them when they do.

Reducing Risk of Committing Unwanted Sexual Acts

If you find yourself in the position of being the initiator of sexual behavior, you owe respect to yourself and your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Don't make assumptions:
 - About consent.
 - About someone's sexual availability.
 - About whether someone is attracted to you.
 - About how far you can go or about whether your partner is physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading each other. Your partner may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which your partner is comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender, size, or position in a club or organization. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

The NCHERM Group/ATIXA. (2014).

For more information on risk reduction strategies: rainn.org/safety-prevention.

Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking

When an assault occurs, safety and medical attention are the most pressing issues. Victims are strongly encouraged to contact the Office of CPS at 609.771.2345 or 911 or report directly to the Office of CPS, which is located in the Administrative Services Building, Room 104, as soon as possible.

Victims have the right to pursue criminal and/or campus disciplinary proceedings. Additionally, the Office of CPS and/or the Office of Title IX & Sexual Misconduct will provide the reporting and responding students and employees with verbal and written information on how they can obtain restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or no contact directives issued by the college. Reporting and responding students and/or employees can also request this information directly from the Office of CPS at 609.771.2345, the Office of Title IX & Sexual Misconduct at 609.771.3112, and/or the victim's local law enforcement if it is outside the jurisdiction of the college. Victims also have the right to decline to report to or notify law enforcement.

College Reporting

Students and employees receive information verbally and in writing that they may seek assistance from the Office of Title IX & Sexual Misconduct, Office of Student Conduct & Off-Campus Services, a confidential resource, and/or the Employment Equity Officer (EEO) (for employees) for requesting reasonable supportive measures, including, but not limited to, changes to academic, housing/living, transportation, and working situations, or restrictions on contact between parties and participation or attendance at college events or facilities. Supportive measures will be applied for both reporting and responding students and employees on an individual basis if they are requested, appropriate, and reasonably available, regardless of whether the offense occurred on or off campus, or whether the victim chooses to report the crime to Campus Police or local law enforcement, or files a Formal Complaint with the Office of Title IX & Sexual Misconduct. Requests for supportive measures should be directed at the Title IX Coordinator who is responsible for overseeing all reports of Prohibited Conduct and associated resolution processes. The Office of Title IX & Sexual Misconduct and appropriate departments (such as EEO/HR for cases involving employees) will work collaboratively to implement these accommodations toward the reestablishment of a safe living, learning, and work environment for all parties. Individuals who believe they've experienced any form of Prohibited Conduct are encouraged, but not required, to file a report with the Title IX Coordinator directly as soon as possible after the incident takes place.

A Title IX & Sexual Misconduct report can be filed with the Title IX Coordinator/Office of Title IX & Sexual Misconduct by writing, via email (titleix@tcnj.edu), in person (Brower Student Center, Suite 202), via telephone (609.771.3112) or through the online system (available at titleix.tcnj.edu). The Title IX Coordinator has discretion to proceed with a formal grievance process into the matter regardless of when the report is submitted or if the party wishes to initiate a resolution process if the alleged conduct poses a possible threat to the college community or to individual members of the college community.

If the offense is committed by an employee, victims are also encouraged, but not required, to file a report with the EEO Officer directly, as soon as possible after the incident takes place.

Individuals wishing to file a report of alleged discrimination may use any of the following emails/reporting tools:

Submit a Title IX & Sexual Misconduct Report:

titleix.tcnj.edu/file-a-report

EEO@tcnj.edu

Inclusion@tcnj.edu

HR@tcnj.edu

ogc.tcnj.edu/wp-content/uploads/sites/132/2011/03/DiscriminationComplaintForm.pdf

Matters involving faculty and staff are jointly handled by the Title IX Coordinator and the EEO Officer. For more information, please refer to the *Sexual Harassment, Misconduct, & Discrimination Policy* found on the website. All reports of sexual harassment or violence to a Responsible Employee will be reported to the Title IX Coordinator for inquiry. Victims, regardless if they are students or employees, or if the offense happened on or off campus, are provided information regarding their rights, reporting options (including the option to file a Formal Complaint), and resources in writing.

Criminal Reporting

Those who choose to participate in legal action for offenses that occur on campus can contact the Office of CPS at 609.771.2345 or 911 (from any campus telephone). You may also visit the office located in the Administrative Services Building, Room 104.

Both the Office of CPS and the Office of Title IX & Sexual Misconduct can help facilitate the coordination of prompt medical examinations and treatment for possible injuries, sexually transmitted diseases/infections, and pregnancy. If it is within five (5) days of the assault, a variety of evidence can be collected and preserved by activating the county-based Sexual Assault Response Team, Womanspace, regardless of the victim's decision to involve law enforcement. The Office of CPS and the Mercer County Prosecutor's Office will also collect additional forms of evidence if applicable, such as bedding/clothing, photographs of the scene, and anything else directly related to the incident. In order to preserve evidence, victims should not shower, wash clothing, or disturb items at the scene of the crime. Once evidence is collected, it can be held for a period of five years while victims consider whether or not to continue with the legal process. Successful adjudication, in court may be more difficult without this evidence.

Reporting a Dating/Domestic Violence Complaint

- A. **Notice.** When a police officer responds to a call of a domestic violence incident, the officer must give and explain to the victim the domestic violence notice of rights which advises the victim of available court action. NJSA 2C:25-23. The victim may file:
 1. A domestic violence complaint alleging the defendant committed an act of domestic violence and asking for court assistance to prevent its recurrence by asking for a temporary restraining court order (TRO) or other relief; and
 2. A criminal complaint alleging the defendant committed a criminal act. See Mandatory Arrest when a police officer must sign the criminal complaint.
- B. Jurisdiction for filing domestic violence TRO by the victim.
 1. During regular court hours;
 - a. The victim should be transported or directed to the Family Part of the Superior Court; and
 - b. Where transportation of the victim to the Superior Court is not feasible, the officer should telephone the designated court by telephone for an emergent

temporary restraining order in accordance with established procedure.

2. On weekends, holidays, and other times when the court is closed;
 - a. The victim may file the domestic violence TRO before a municipal court judge specifically assigned to accept these complaints.
 3. The victim may file a domestic violence complaint;
 - a. Where the alleged act of domestic violence occurred;
 - b. Where the defendant resides; or
 - c. Where the victim resides or is sheltered.
- C. Jurisdiction for filing criminal complaint by the victim in connection with filing domestic violence complaint.
1. A criminal complaint may be filed against the defendant in locations indicated in Paragraph B.3;
 2. A criminal complaint filed pursuant to Paragraph C.1 shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred; and
 3. A domestic violence complaint may be filed pursuant to the provisions of Paragraph B.
- D. **Mandatory Arrest.** A police officer must arrest and take into custody a domestic violence suspect and must sign the criminal complaint against that person if:
1. The victim exhibits signs of injury caused by an act of domestic violence. NJSA 2C:25-21a(1);
 2. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest;
 3. There is probable cause to believe that the terms of a no contact court order have been violated. If the victim does not have a copy of the court order, the officer may verify the existence of an order with the appropriate law enforcement agency;
 4. A warrant is in effect; and/or
 5. There is probable cause to believe that a weapon as defined in NJSA 2C:39-1r has been involved in the commission of an act of domestic violence.

In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider: a) the comparative extent of injuries suffered; b) the history of domestic violence between the parties, if any; and/or c) other relevant factors.

Police shall follow standard procedures in rendering or summoning emergency treatment of the victim, if required.

If the crime occurred off campus, victims should contact the local police or the Office of CPS for assistance in reporting the crime to the appropriate police department. Subsequently, the Office of CPS will work in partnership with the Mercer County Prosecutor's Office for investigations and legal proceedings. Victims also have the right to decline to report to or notify law enforcement.

TCNJ CPS, The Office of Title IX and Sexual Misconduct, and the Office of Student Conduct & Off-Campus Services are private, but not confidential resources, therefore any information provided may require that the college follow up with an investigation. Although complete confidentiality cannot

be guaranteed, the college strives to treat all parties with equal care, respect, and dignity and will to the best of their ability preserve the privacy of all parties involved. Retaliation for filing a complaint is strictly prohibited by Title IX & Sexual Misconduct and the college. Any accommodation or supportive measures provided to the victim will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures.

Confidential Resources

The college believes it is important that students are aware of opportunities for support and assistance. Available confidential resources are listed below.

Reporting any incidents to any confidential resources, specifically those listed below, will not result in an investigation without the consent of the student sharing the information, but will be forwarded to the Office of CPS anonymously for inclusion in the annual campus crime report.

A comprehensive set of resources are available to students impacted by sexual violence both on and off campus.

On Campus

- Counseling and Prevention Services: Anti-Violence Initiatives at 609.771.2272
Forcina Hall, Room 308
caps.tcnj.edu
Available Monday–Friday 8:30 a.m.–4:30 p.m.
- Counseling and Prevention Services at 609.771.2247
Eickhoff Hall, Suite 107
caps.tcnj.edu
- Student Health Services at 609.771.2889
Eickhoff Hall, Suite 107
health.tcnj.edu

Off Campus

- Capital Health System (Hospital) at 609.394.6000
750 Brunswick Avenue
Trenton, NJ 08638
www.capitalhealth.org
- Clergy (for more information about specific faith based organizations, contact TCNJ's Religious and Spiritual Life Office).
- Mercer County Domestic Violence and Sexual Assault Hotline 609.394.9000.
- Womanspace, Inc. at 609.394.0136
1530 Brunswick Avenue
Lawrenceville, NJ 08648
www.womanspace.org

Resources for Victims

The Campus Sexual Assault Victim's Bill of Rights mandates that policies, procedures, and services be designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity. This Bill of Rights can be found online at caps.tcnj.edu.

Victims of sexual violence should contact the Office of CPS, Counseling and Prevention Services: Anti-Violence Initiatives for information and to facilitate access to desired campus and community resources.

The Office of CPS will assist the victim in obtaining a temporary restraining order from Mercer County Superior Court, Family Division, or during non-business hours, the victim will have the chance to speak to a municipal court judge. In addition, the Office of Student Conduct & Off-Campus Services or the Office of Title IX & Sexual Misconduct can issue no contact directives between parties.¹ Persons impacted by violence, directly or indirectly, can meet with Counseling and Prevention Services staff to obtain confidential counseling, to get advocacy services, and to review available resources on and off campus (see Confidential Resources section).

The college provides written notification to students and employees about their rights, reporting options, such as how to file a Formal Complaint with the Office of CPS, and information on how to receive assistance for supportive measures, counseling, health, and mental health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

College Disciplinary Procedures

The College of New Jersey, as an institution of higher education and a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of community members to be compatible with its high standards of scholarship and conduct.

Members of the college community are encouraged to participate in all aspects of campus life. For the college, this means a firm institutional commitment to protect the community and the rights of its members, and to cultivate and sustain a positive living and learning environment. Thus, sexual violence will not be tolerated.

The U.S. Department of Education and its Office for Civil Rights emphasize the importance of providing all community members with an educational environment free from discrimination. Harassment, or any form of sexual violence, interferes with a person's right to work or receive an education free from discrimination and, in some cases, may be a crime. Title IX and its regulations, prohibit discrimination on the basis of sex and/or gender in education programs or activities operated by recipients of federal financial assistance.

To address complaints of sexual violence, the college administers prompt, fair, and impartial disciplinary procedures from the initial investigation to the final disposition. Investigations and related proceedings are conducted by trained investigators who undergo annual comprehensive training on issues related to dating violence, domestic violence, sexual assault, and stalking. In efforts to protect the safety of victims and promote accountability for behavior, designees receive at minimum, ongoing annual training on topics including, but not limited to, the college's policies/procedures related to Title IX and the *Student Code of Conduct* (including review of Prohibited Conduct and Violations of Expectations for Student Conduct), how to conduct thorough and impartial investigations, trauma informed practices, rationale writing, how to serve as a formal hearing administrator for Title IX & Sexual Misconduct and Student Conduct cases.

Employee Disciplinary Proceedings

Sexual harassment (which includes, but is not limited to, dating violence, domestic violence, sexual assault, and stalking) by employees at The College of New Jersey is prohibited under the

Policy Prohibiting Discrimination in the Workplace/Educational Environment, as well as the *Sexual Harassment, Misconduct, & Discrimination Policy*.

Sexual Harassment, Misconduct, & Discrimination Policy (Title IX)

Upon receipt of a report of Prohibited Conduct (including, but is not limited to, quid pro quo, sexual harassment, dating violence, domestic violence, sexual assault, and stalking), the Title IX Coordinator will conduct a preliminary inquiry of the facts to determine whether the college must take any other action, beyond providing outreach and supportive measures, in response to the reported conduct, including whether the Title IX Coordinator must initiate a Formal Complaint and investigation. The Title IX Coordinator will first determine whether the reported conduct falls within the scope and jurisdiction of the *Sexual Harassment, Misconduct, & Discrimination Policy*, and more specifically, within the jurisdiction of the Title IX Final Rule.

Where the facts set forth in the report are made against a non-student employee, the Title IX Coordinator will assess whether the allegations fall within the jurisdiction of the Title IX Final Rule.

Where the allegations do fall within the jurisdiction of the Title IX Final Rule and a Formal Complaint is filed, the college will follow the procedures outlined with the *Sexual Harassment, Misconduct, & Discrimination Policy*. Where the allegations do not fall within the jurisdiction of the Title IX Final Rule, the college will dismiss the allegations in the Formal Complaint related to sexual harassment as defined in the Title IX Final Rule. If there are multiple allegations, the college will evaluate each violation individually to determine whether the procedures in the *Sexual Harassment, Misconduct, & Discrimination Policy* are followed or the allegation(s) are dismissed. Any dismissal shall be for purposes of Title IX only and would not preclude the college from addressing the allegations of Prohibited Conduct under the College Discrimination Policy.

Resolution Processes. The college recognizes that there is not one universal resolution process that best meets the needs of our students and Campus Community. To adequately address reports of Prohibited Conduct under the *Sexual Harassment, Misconduct, & Discrimination Policy*, including but not limited to, sexual assault, sexual harassment, interpersonal violence, and stalking, two different procedural processes are outlined: The Formal Grievance Process and the Alternative Resolution Process. In order for the Alternative Resolution Process to be used in lieu of a Formal Grievance Process, there must be consensus of both the reporter and the respondent, and approval from the college. The Alternative Resolution Process would not be available to use in cases involving a student reporter and employee respondent. The college retains the right at any time to select the Formal Grievance Process as the most appropriate resolution option. For more information about each of these resolution processes, see Student Disciplinary Proceedings: Title IX & Sexual Misconduct Cases section below as the procedures apply equally to student and employee cases (applicable to employee cases when allegations fall under Title IX jurisdiction).

Appeals. Both the reporter and respondent have the opportunity to appeal, as applicable, the dismissal of a Formal Complaint and any decision and/or outcome(s) rendered by a hearing administrator during a Formal Grievance Process. Whenever a decision has been rendered — whether it be to dismiss the Formal Complaint in part or in full, or the outcome of a formal administrative hearing — both the reporter and the respondent will be sent notifications

simultaneously in writing of the decision (which includes language on how to submit an appeal), including the result of an appeal that arises from the allegation(s) outlined in the Formal Complaint. In the event that either or both parties submit an appeal, the Title IX Coordinator will notify the parties that an appeal was received and forward the appeal and any supporting documentation to the non-appealing party for reference and the applicable Appeal Officer. Appeals on the dismissal of a Formal Complaint will be reviewed by a Human Resources representative and appeals relating to decisions and sanction(s) rendered following a formal administrative hearing will be reviewed by the Vice President for Inclusive Excellence, or designee. See Notification of Disposition and Appeal Procedures in a Student Disciplinary Proceeding section for information regarding available grounds for appeal as the options for students are the same as those for employees for Title IX & Sexual Misconduct cases.

Policy Prohibiting Discrimination in the Workplace/Educational Environment (Title VII & EEO)

As previously mentioned, allegations of discrimination on the basis of sex, including sexual harassment, may also be addressed under the Policy Prohibiting Discrimination in the Workplace/Educational Environment. Procedures for Internal Complaints Alleging Discrimination in the Workplace/Educational Environment, may be found at: ogc.tcnj.edu/wp-content/uploads/sites/132/2019/05/Procedure-for-Internal-Complaints.pdf.

Resolution Processes. When a complaint of alleged discrimination is filed the EEO/AA Officer or authorized designee (and in consultation with the Title IX Coordinator, as applicable) will conduct a prompt, fair, and impartial investigation and prepare an investigatory report, including a summary of the complaint, a summary of facts developed through the investigation, and an analysis of the allegations and facts. The completed report is submitted to the President, or their designee, who will issue a final determination made on the basis of whether it is more likely than not that the respondent violated the Policy Prohibiting Discrimination in the Workplace/Educational Environment. The college will make every attempt to complete an investigation and/or disposition within 120–180 days of the date the complaint is filed.

Appeals. At the conclusion of any Institutional Disciplinary Proceeding, the reporter and the respondent will be sent notifications simultaneously in writing of the result (which includes language on how to submit an appeal). The reporter or respondent will have 20 days to submit an appeal to the New Jersey Civil Service Commission.

Applicable to Both Aforementioned Policies

Sanctions. If the respondent is an employee of the college, and is found in violation of the *Sexual Harassment, Misconduct, & Discrimination Policy* and/or the Policy Prohibiting Discrimination in the Workplace/Educational Environment, the matter will be referred to the Office of Human Resources for appropriate disciplinary action.

The level of sanction and/or amount of fine assessed to employees for disciplinary violations shall be determined on a case-by-case basis and shall be governed by the severity of the violation, the surrounding circumstances, the employee's disciplinary history, and other factors

as appropriate. While the college subscribes to the principles of progressive discipline, where the conduct is egregious nothing shall preclude the college from issuing higher-level sanctions (including removal from employment) for serious violations, even if they constitute first violations.

Any employee found in violation of Title IX Sexual Harassment under the *Sexual Harassment, Misconduct, & Discrimination Policy* may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: Referral for training; Referral for counseling; Formal written reprimand; Suspension; Reassignment; Demotion; Loss of privileges for supervising students; Loss of privileges for travel; De-tenuring; or Termination of employment. Referral to another appropriate authority for review for possible violation of state and/or federal statutes may also be appropriate. For violations of the Policy Prohibiting Discrimination in the Workplace/Educational Environment, examples of disciplinary sanctions that may be imposed alone or in any combination include: Employee Counseling, Written Reprimand (First Level of Official Discipline), Record Suspension, Suspension Without Pay, Demotion, Removal, and/or Fine. Human Resources works closely with Academic Affairs to ensure that the college's response to the behavior is addressed through appropriate disciplinary action.

Advisors. Employee reporters and respondents going through a disciplinary process under either of the aforementioned policies are entitled to equitable participation in the investigation and decision process and have the right to have an advisor of their choice present during any meeting or proceeding with college staff. However, advisors may not represent the party or actively participate in any college-related disciplinary proceeding or meeting, with the exception of conducting cross-examination on behalf of a party during a live Title IX/Sexual Misconduct hearing. The Title IX Coordinator, EEO/AA Officer, or investigator(s) may also have an advisor present at their discretion.

Interim/Supportive Measures. Additionally, while an investigation is underway, appropriate and relevant interim and/or supportive measures may be put in place, including, but not limited to, temporary position reassignment, counseling through the Employee Assistance Program, and administrative leave (paid or unpaid). The imposition of interim or supportive measures may be done in consultation with the Title IX Coordinator, EEO/AA Officer, and Human Resources, as appropriate. For cases that fall under the *Sexual Harassment, Misconduct, & Discrimination Policy*, supportive measures will be made available to reporters and respondents, as appropriate and reasonably available, regardless of whether a Formal Complaint is signed.

For more information regarding each of these employee-related policies, please see policies.tcnj.edu.

¹The terms "victim," "survivor," "complainant," "complaining party," and "client" are used interchangeably in this document to refer to an individual who in good faith reports having been subjected to action by another individual that constitutes a violation of applicable law or college policy prohibiting sexual misconduct (including sexual assault, sexual battery, domestic or dating violence, and stalking). The use of the forgoing terms does not signify that a determination has been made that an accused party or respondent has committed such a violation. Such a determination can only be made by a court (with respect to criminal charges or civil liability) or through the Student Conduct process (with respect to violations of the Undergraduate *Student Conduct Code* or Graduate *Student Conduct Code* by students), Formal Grievance Process (with respect to violations of the *Sexual Harassment, Misconduct, & Discrimination Policy* by students or employees), or disciplinary process (with respect to violations of college policy by employees).

Student Disciplinary Proceedings: Non-Title IX & Sexual Misconduct Cases

While the *Sexual Harassment, Misconduct, & Discrimination Policy* covers incidents related to sex and gender, there are still instances of domestic violence and stalking which may fall outside the scope of Title IX & Sexual Misconduct and therefore are addressed by the Office of Student Conduct & Off-Campus Services. These cases still have the same procedural standards as the Title IX & Sexual Misconduct process and the information on these cases are shared during the annual reporting of data as they may meet the Clery definition to be included in the ASR.

The *Student Conduct Code* prohibits certain behavior by our students: conduct.tcnj.edu. If an investigation into a report results in any charge(s) of violations of expectations for student conduct as outlined in the *Student Conduct Code*, a responding student will have a conference meeting with an administrator to discuss the charges.

Option 1: Informal Hearing.

In non-personal abuse and non-Title IX & Sexual Misconduct-related cases, the charged student will choose either an informal or formal hearing process.

An informal hearing will typically be conducted immediately following this selection. A formal hearing (either administrative or board) will be scheduled within a practical period.

In personal abuse cases (non-Title IX & Sexual Misconduct related) the college will determine whether an informal or a formal hearing process is appropriate for addressing the charges and will consider the expressed preferences of both the reporter and respondents, and the totality of the circumstances in this determination. If the college elects an informal hearing, both the reporting and responding students will have equal opportunity to share information with the informal hearing administrator before a final determination on whether a violation of the *Student Conduct Code* has occurred.

An informal hearing will be conducted within a practical period by a trained faculty or staff member of the college who is selected by the Director of Student Conduct & Off-Campus Services and who has not previously served as an investigator or administrator in the process for the individuals involved. The hearing administrator will individually interview the reporter/respondent providing information and may temporarily adjourn the informal hearing if they determine that further review or clarification is necessary. This includes but is not limited to interviewing the reporter, respondent, and/or other relevant witnesses. Witnesses are not mandated to participate in any student conduct proceeding(s); however, their absence may limit the hearing body's ability to evaluate all relevant information to the fullest extent possible.

Both the reporter and the respondent are permitted to have an advisor of their choice present during any college proceeding, hearing, or meeting. Refer to the *Student Conduct Code* for the most updated procedural standards.

Option 2: Formal Hearing.

If the college elects a formal hearing (via a board for cases that will not result in suspension or expulsion of the respondent) or single hearing administrator, the reporter (in 03. Personal Abuse cases) will be invited to attend the formal hearing, provide information, and pose questions of any presenting parties to the same extent as the respondent. Reporters, respondents, and/or witnesses are not mandated to participate in any student conduct proceeding(s); however, their absence may limit the hearing body's ability to evaluate all relevant information to the fullest extent possible.

A formal Administrative Hearing is conducted within a practical period by a trained faculty or staff member of the college who is selected by the Director of Student Conduct & Off-Campus Services and who has not previously served as an investigator or administrator in the process for the parties involved. The administrator will hear information presented by the reporter, respondent, and witnesses in a formal hearing setting and render a decision and sanctions if appropriate. A formal board hearing is conducted within a practical period by a board of trained students and is advised by the Assistant Director of Student Conduct or designee. The advisor does not vote nor participate in deliberations, but may answer questions regarding procedural standards, policy, or sanctioning practices. The board will hear information presented by any involved parties and render a decision and sanctions if appropriate. This board is not utilized for cases that could result in the suspension or expulsion of the respondent.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. A hearing administrator or board will determine whether the responding student is in violation for any charges. The hearing body's determination will be made on the basis of whether it is more likely than not that the responding student violated the *Student Conduct Code*. Both the reporter and the respondent are permitted to have an advisor of their choice present during any college proceeding, hearing, or meeting. Refer to the *Student Conduct Code* for the most updated procedural standards.

Option 3: Alternative Resolution.

The college recognizes that there is not one universal resolution process that best meets the needs of our students and the Campus Community. To adequately address reports of behavior that may be in *Violation of Expectations for Student Conduct* that may result in charges under 03. Personal Abuse an alternative process may be utilized.

Alternative Resolution is a voluntary process within the college's *Student Conduct Code* that allows a respondent in a student conduct matter to accept responsibility for the behavior they engaged in that may have caused harm to the reporter. The Alternative Resolution Process is designed to eliminate the conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the reporter while still maintaining the safety of the overall Campus Community.

The Alternative Resolution Process will only be used at the request and agreement of both the reporter and respondent; and under the direction of the Office of Student Conduct & Off-Campus Services. In order for the alternative resolution process to be appropriate, both parties must have an understanding and agree on the necessary elements of the process. Both the reporter and respondent will have to agree to the following terms should they wish to participate in the Alternative Resolution Process:

1. Participation in this process is voluntary and either the reporter or respondent can choose to end the process at any time prior to signing the agreement.
2. Both the reporter and respondent must participate in individual intake meetings with appropriate staff to learn more about the resolution process prior to participating.
3. The process can only be used once and will not be considered if requested by a repeat respondent under the *Student Conduct Code* and/or the *Sexual Harassment, Misconduct, & Discrimination Policy*.
4. The reporter and respondent must agree to all recommendations outlined in the formal agreement or the case reverts back to an investigation.
5. Information documented during this process can be subpoenaed if a criminal investigation is initiated.
6. Participation in this process does not constitute a finding of “In-Violation” for a Violation of Expectations for Student Conduct charge, and is therefore not reflected on the respondent’s disciplinary record.
7. If the respondent is documented and found “In-violation” for any Violations of Expectations for Student Conduct this agreement can be used in the sanctioning phase of that process.
8. The respondent may be charged with 05. Compliance with Directives under the *Student Conduct Code* for failure to meet all requirements outlined in the agreement.

Possible options that students may utilize in this process are outlined below:

1. Restorative Circle.
2. Impact Statement.
3. Counseling Sessions.
4. Alcohol/Drug Education Class(es).
5. Bi-weekly or monthly check in meetings with the Director of Student Conduct & Off-Campus Services.
6. Implementation of a No Contact Directive with the college.
7. Restriction from participation in specific clubs and/or organizations.
8. Restriction from participation in particular events (e.g., Senior Week).
9. Completion of a mentored action plan with regular meetings with an assigned staff member of the college.
10. Community Service.

The college reserves the right to suspend or terminate the alternative resolution process at any time.

Any agreements reached as part of the Alternative Resolution Process must be documented, signed in-person or via email by the reporter and respondent, and approved by the Director of Student Conduct & Off-Campus Services. If no agreement is reached then the matter may be referred to the Director of Student Conduct & Off-Campus Services for further action.

Both the reporter/harmed parties and respondent may be accompanied by an advisor at any meeting with student conduct staff during the Alternative Resolution Process.

Student Disciplinary Proceedings: Title IX & Sexual Misconduct Cases

Any person may file a report regarding Prohibited Conduct at any time. After receiving a report of possible Prohibited Conduct committed by a student or employee, the Title IX Coordinator or other delegated Official with Authority will determine whether the allegations in the report, if true, would constitute a violation of the *Sexual Harassment, Misconduct, & Discrimination Policy*; and if so, will promptly contact the reporter, if one is identified or identifiable, to (1) discuss the availability of supportive measures; (2) ask about the reporter’s wishes with respect to supportive measures; (3) explain that supportive measures are available with or without the filing of a Formal Complaint; (4) explain how to file a Formal Complaint; and (5) available resolution options through the college and criminal process.

Based on the information received, the Title IX Coordinator and/ or other appropriate college administrators may undertake an individualized safety and risk analysis to determine whether interim action(s) are necessary to stop or prevent any further harassment from occurring. Should it be determined that an immediate threat to the health and/or safety of the Campus Community exists, the respondent may be removed from campus on an emergency basis.

An emergency removal under 106.44(c) of the Title IX Final Rule (which the college also follows in cases of non-Title IX Prohibited Conduct) is not a substitute for reaching a determination as to a respondent’s responsibility for the alleged Prohibited Conduct; rather it is for the purpose of addressing imminent threats posed to any person’s physical health or safety arising out of the Prohibited Conduct allegations. Therefore, no permanent change in student status or disciplinary sanctions will be applied to the respondent without first completing a Formal Grievance process. However, the college reserves the right to implement supportive measures in conjunction with the emergency removal, such as a relocation or removal from housing, academic space, or college property on a temporary basis, as long as it does not punish, discipline, or unreasonably burden the respondent. If the respondent is neither an employee nor a student, the Office of Title IX & Sexual Misconduct or the Office of Student Conduct & Off-Campus Services and the Office of CPS may request that the respondent be banned from the TCNJ Campus Community.

Formal Complaints. For the college to proceed with a resolution option, a Formal Complaint must first be signed. A Formal Complaint is a document (or electronic submission, such as by electronic mail or through an online portal provided for this purpose by the college) filed by a reporter (containing their physical or digital signature, or otherwise indicates that the reporter is the person filing the Formal Complaint) or signed by the Title IX Coordinator alleging Prohibited Conduct against a respondent and requesting that the college utilize a college resolution process to adjudicate or resolve the allegation of Prohibited Conduct. A Formal Complaint may be filed by a reporter during the initial intake process when meeting with the Title IX Coordinator, or at another time thereafter either in person or electronically. Once a Formal Complaint is received, notice of allegations will be sent to both parties simultaneously.

Dismissal of a Formal Complaint. At any time during the handling of a Formal Complaint, the Title IX Coordinator may dismiss the complaint, in whole or in part, for the purposes of Title IX or at their discretion. Upon receipt of a Formal Complaint, the information gathered will be continuously assessed to determine whether a mandatory or discretionary dismissal is warranted.

Mandatory Dismissals. The Title IX Coordinator will determine whether the conduct alleged in the complaint falls within the scope of the *Sexual Harassment, Misconduct, & Discrimination Policy* and the associated definitions of Prohibited Conduct. The Title IX Final Rule requires the Title IX Coordinator to dismiss some or all of the allegations in the Formal Complaint if the conduct alleged in the Formal Complaint:

1. Would not constitute Sexual Harassment as defined in Section II, B.: Prohibited Conduct of the Policy.
2. Did not occur in the college's education Program or activity.
3. Did not occur against a person in the United States.
4. If at the time of filing a Formal Complaint, a reporter is not participating in or attempting to participate in the education program or activity of the college with which the Formal Complaint is filed.

If any of the above criteria are met, the college must dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, where the allegations in the Formal Complaint include other forms of Prohibited Conduct within the *Sexual Harassment, Misconduct, & Discrimination Policy*, the conduct occurs outside of the United States, or the conduct is not within the college's education program or activity (but still within the scope of conduct regulated by the college), these procedures will still apply and the remaining allegations may proceed through a college resolution process set forth below.

Discretionary Dismissals. The Title IX Final Rule grants the Title IX Coordinator discretion to dismiss a Formal Complaint brought under the *Sexual Harassment, Misconduct, & Discrimination Policy*, or any specific allegations therein, at any time during the investigation or hearing, if:

1. A reporter notifies the Title IX Coordinator in writing that the reporter would like to withdraw the Formal Complaint or any allegations therein.
2. The respondent is no longer enrolled or employed by the college.
3. Specific circumstances prevent the college from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations therein.

Upon a dismissal, whether mandatory or discretionary, the college will promptly send written notice of the dismissal and rationale for the decision simultaneously to both the reporter and the respondent via email.

If a Formal Complaint is dismissed for one of the above reasons, each party (referring to the reporter and respondent) may appeal that dismissal using the process described in Section III, E.: Appeals of the *Sexual Harassment, Misconduct, & Discrimination Policy*. Supportive measures may still be implemented for parties, as appropriate, even if a Formal Complaint has been dismissed.

College Resolution Options. The college recognizes that there is not one universal resolution process that best meets the needs of our students and Campus Community. To adequately address reports of Prohibited Conduct under the *Sexual Harassment, Misconduct, & Discrimination Policy*, including but not limited to, sexual assault, sexual harassment, interpersonal violence, and stalking, two different procedural processes are outlined: The Formal Grievance Process and the Alternative Resolution Process. In order for the Alternative Resolution Process to be used in lieu of a Formal Grievance Process, there must be consensus of both the reporter and the respondent, and

approval from the college. The college retains the right at any time to select the Formal Grievance Process as the most appropriate resolution option.

Formal Grievance Process. Should the reporter sign a Formal Complaint and request to proceed with the Formal Grievance process, the Title IX Coordinator (or designee) will notify the respondent of the allegations against them in writing. The Title IX Coordinator will then assign one or more trained investigator(s) to the case who will follow the proper investigative protocols/procedures.

The designated investigator(s) will coordinate meetings with the reporter, respondent, and any other relevant individuals, including fact and expert witnesses, in a reasonably prompt timeframe. Both parties will be interviewed and asked to share any information they have regarding the incident, as well as all relevant documentation (i.e., text messages, emails, photographs, other documents, etc.), and identify any witnesses who may provide information pertinent to the allegations in the Formal Complaint. Investigator(s) will also interview relevant witnesses identified by the parties and/or the college.

Following the interview(s) with each party and any identified witness(es), each will be provided a draft summary of their own statement or key relevant information therefrom so that they have the opportunity to comment on the summary and ensure its accuracy and completeness.

Once the investigator(s) has completed interviews and the gathering of evidence, all evidence directly related to the allegations in the Formal Complaint obtained as part of the investigation will be shared with the parties electronically for their review and comment through a preliminary investigation report and separate directly related evidence document. The preliminary report, prepared by the investigator(s) will include, as applicable, the reporter's statement, the respondent's statement, each witness' statement and a summary of any other information the investigator(s) in their discretion deems relevant. The parties and their respective advisor will have 10 calendar days to inspect and review the evidence and submit a written response via email to the investigator(s).

Following the 10-day review period, investigator(s) will then shift evidence between the investigation report and directly related evidence document at their discretion based on party feedback, undertake any additional investigative steps as needed (as determined by the investigator(s)) and issue a final investigation report. The final investigation report will fairly summarize all relevant information received throughout the investigation, such as interview summaries, witness statements, supplemental media, and include both inculpatory and exculpatory evidence. The parties will have another 10 calendar days to inspect and review the final investigative materials and submit a written response to the investigator(s).

In the event that the Formal Complaint is not dismissed in full pursuant to the Dismissal of a Formal Complaint section of the Policy, the case will move to a formal administrative hearing.

A formal administrative hearing is an opportunity to gather and evaluate relevant information to determine whether the respondent's actions violated provisions of college Policy, and afford all parties due process protections, including the right to present evidence and witnesses at a live hearing before an impartial decision maker.

Specifically, the reporter and respondent will each be given the opportunity to provide opening statements and once the hearing administrator has concluded asking all relevant questions, each party's advisor is permitted to ask the other party and any witnesses

any relevant questions and follow-up questions, including those challenging credibility, subject to the hearing administrator's control and rules regarding relevance. Following closing statements from each party, the hearing will adjourn and the hearing administrator will objectively evaluate all relevant evidence (both inculpatory and exculpatory) to make an independent determination of responsibility.

The hearing administrator's determination shall be made on the preponderance of evidence standard, which uses the basis of whether it is more likely than not that the respondent engaged in Prohibited Conduct, and therefore violated terms outlined within the *Sexual Harassment, Misconduct, & Discrimination Policy* and/or the *Student Conduct Code*.

If the hearing administrator determines the respondent to be in violation of college Policy, they will ask the reporter to submit an impact statement, the respondent to submit character references or statements, and both parties to offer recommendations for sanctioning. The respondent's previous conduct history will also be reviewed. After reviewing this information, the hearing administrator will determine appropriate sanctions for the respondent based on the facts of the case as well as all mitigating and aggravating information, and appropriate remedies for the reporter.

Both parties will simultaneously receive the written hearing decision letter, which includes: a) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination; b) Findings of fact supporting the determination; c) Conclusions regarding the application of the college's relevant policies to the facts; d) A statement of, and rationale for, the result as to each allegation, including: any disciplinary sanctions the college imposes on the respondent; and 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 reporter; and e) Information regarding the appeal process, including permissible grounds for appeal.

Alternative Resolution Process. The Alternative Resolution is a voluntary process within the college's *Sexual Harassment, Misconduct, & Discrimination Policy* that allows a respondent in a Prohibited Conduct case to accept responsibility for their behavior and/or potential harm. By fully participating in this process the respondent will not be charged with a violation of college Policy. The Alternative Resolution Process is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the reporter and respondent while still maintaining the safety of the overall Campus Community.

Restorative processes encompass a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, and reintegration of people who have been marginalized through participatory learning and improved decision-making skills. Rather than focusing on what policies have been violated, restorative processes instead identify who has been harmed and what actions are necessary to repair the harm.

The Alternative Resolution Process will only be used at the reporter's request after the submission of a Formal Complaint, upon the agreement of both the reporter and respondent, and under the direction of the Office of Title IX & Sexual Misconduct. A request to utilize the Alternative Resolution Process can be made at any time during an investigation prior to a scheduled formal hearing, however, this process may not be an appropriate mechanism to resolve all allegations. In order for the Alternative Resolution Process to be an appropriate resolution option, both parties must have an understanding of and agree on the necessary elements of the process. Both the reporter and respondent will have to agree to the following terms should they wish to participate in the Alternative Resolution Process:

- Participation in this process is voluntary and either the reporter or respondent can choose to end the process at any time prior to signing the agreement.
- Mediation, even if voluntary, will not be used in cases involving sexual assault.
- Both the reporter and respondent must participate in individual conference meetings with appropriate staff to learn more about the resolution process prior to participating.
- The process can only be used once and will not be considered if requested by a repeat respondent under the *Student Conduct Code* and/or the *Sexual Harassment, Misconduct, & Discrimination Policy*.
- The reporter and respondent must agree to all recommendations outlined in the formal agreement or the matter may be referred to the Title IX Coordinator for further action.
- Information documented during this process may be subpoenaed if a criminal investigation is initiated.
- Participation in this process does not constitute a responsible finding of a Policy violation and therefore is not reflected on the respondent's disciplinary record.
- If the respondent is documented and found in violation of any Policy violations in the future, an Alternative Resolution Agreement can be used in the sanctioning phase of that process.
- The college reserves the right to suspend or terminate the Alternative Resolution Process and revert back to an investigation at any time.
- The respondent may be charged with Compliance with Directives, part b. under the *Sexual Harassment, Misconduct, & Discrimination Policy* for failure to meet the requirements laid out in an Alternative Resolution Agreement.

Sample Restorative/Educational Activities. Possible options that students may incorporate into the Alternative Resolution Process, include but are not limited to:

- Restorative Circle
- Salient Analysis of Interpersonal Dynamics (SAID) Workshop
- Reporter Impact Statement
- Counseling Sessions
- Alcohol Education Class(es)
- Bi-weekly or monthly check in meetings with the Title IX Coordinator
- Implementation of a No Contact Directive with the college
- Restriction from participation in specific clubs and/or organizations
- Restriction from participation in particular events (e.g., Senior Week)
- Completion of a master education plan with regular meetings with a faculty or staff member of the college
- Community Service

Individuals going through any college resolution process, have the right to have an advisor of their choice present during any meeting or proceeding with college staff in relation to the alleged Prohibited Conduct. However, advisors may not represent the party or actively participate in any college-related disciplinary proceeding or meeting, with the exception of conducting cross-examination on behalf of a party during a formal administrative hearing. The Title IX Coordinator, investigator(s), and the designated hearing administrator may also have an advisor present at their discretion.

Notification of Disposition and Appeal Procedures in a Student Disciplinary Proceeding

For Title IX & Sexual Misconduct Cases: Both the reporter and respondent have the opportunity to appeal, as applicable, the dismissal of a Formal Complaint and any decision and/or outcome(s) rendered by a hearing administrator during the Formal Grievance Process.

The respondent and the reporter will simultaneously receive written notification of any dismissal and outcome, along with information regarding how to appeal the dismissal and/or decision rendered.

Grounds for Appeal.

The dismissal of a Formal Complaint or the determination of responsibility (hearing decision) may be appealed on the following grounds as applicable:

- **Process Review.** Procedural irregularity that materially affected the outcome of the matter;
- **New Information.** New evidence that was not reasonably available at the time the dismissal or determination regarding responsibility was made, that could materially affect the outcome of the matter; **Conflict of Interest or Bias.** The Title IX Coordinator, investigator(s), hearing administrator, and/or other associated decision-maker(s) (as applicable) had a conflict of interest or bias for or against reporters or respondents generally or the individual reporter or respondent that materially affected the outcome of the matter; and/or
- **Information Review.** To determine whether there was information presented in the Formal Complaint, investigation process, and/or formal administrative hearing (as applicable) that, if believed by the administrator, was sufficient to warrant the continuation of a college resolution process or establish that a violation(s) of the Policy occurred.

Either party may also appeal the assigned sanction(s) on the following ground:

- **Sanction Review.** The sanction(s) designated by the formal hearing administrator was clearly inappropriate and/or disproportionate to the Prohibited Conduct for which the respondent was found in violation.

Appeals will be reviewed by the Vice President for Student Affairs (VPSA) or designee.

For Student Conduct Cases: At the conclusion of a Student Conduct hearing, the respondent (and reporter in cases of Personal Abuse) are notified of the decision and/or any sanctions (when applicable) issued and are afforded the opportunity to appeal.

Grounds for Appeal.

- **Process Review.** To determine whether the investigation process was conducted in accordance with published procedures and without bias on the part of the investigator(s). Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- **Information Review.** To determine whether there was information presented in the investigation that, if believed by the board or administrator, was sufficient to establish that a violation of the policy occurred.
- **Sanction Review.** To determine whether any sanctions imposed were appropriate for the violation of the policy which the student was found to have committed.

- **New Information.** To consider new information, submitted by the appealing student within the prescribed five business day period, sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information was not known to the student appealing at the time of the original investigation.

For cases resulting in sanctions lower than suspension or expulsion, the appeal will be reviewed by the Director of Student Conduct & Off-Campus Services or designee. Cases resulting in suspension or expulsion will be reviewed by the Vice President for Student Affairs or their designee.

Applicable to Appeals through both Title IX & Sexual Misconduct and Student Conduct Processes:

All appeals under both the *Sexual Harassment, Misconduct, & Discrimination Policy* and *Student Conduct Code*, must be submitted in writing within five (5) business days of receiving a written decision and include any supporting documentation that the student wishes to be considered. Deference is given to the original hearing administrator's findings of fact and decision regarding responsibility and/or any sanctions; therefore, the burden of proof is on the student filing an appeal to sufficiently demonstrate cause to alter procedures, the original decision(s), or any sanctions. An appeal will generally be limited to a review of the investigation report and supporting documents, provided however, that the appeal officer may request additional information or clarification from the respondent, reporting party, witnesses, investigator(s), and/or other administrators for purposes of this review.

Both the reporter and respondent receive simultaneous written notification regarding the outcome of submitted appeal(s), and the outcome is considered final.

Possible Sanctions in a Student Disciplinary Proceeding

The College of New Jersey has minimum sanctions for specific forms of Prohibited Conduct outlined within the *Sexual Harassment, Misconduct, & Discrimination Policy*.

Students found in-violation of the following forms of Prohibited Conduct (that would also constitute VAWA offenses) will receive sanctions based on the following ranges:

Sanctions outlined below can be applied to all other forms of Prohibitive Conduct outlined within the *Sexual Harassment, Misconduct, & Discrimination Policy* or the *Student Conduct Code*. The following sanctions, alone or in any combination, may be imposed upon any student found to have violated the *Sexual Harassment, Misconduct, & Discrimination Policy* and/or the *Student Conduct Code*:

1. Status Outcomes.

- **Warning.** A notice in writing to the student that the student is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.
- **Probation.** This status serves as a disciplinary status assigned to a student for a specified period of time. While on this status, any further violations of college Policy will result in more severe disciplinary action and may result in additional administrative directive outcomes and/or suspension. This status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years and the Office of Title IX & Sexual Misconduct for seven years after a student separates from the college.

- **Pending Suspension.** This status serves as the disciplinary probation status assigned to a student for a specified period of time before they're suspended from the college. While on this status, any further violations of college policy may result in suspension from the college. This status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years and the Office of Title IX & Sexual Misconduct for seven years after a student separates from the college.
- **Suspension.** Termination of course registration and residency (if applicable) from the college after a specific date and for a specified time. Through the duration of the suspension, the student may be restricted from college property and may be required to provide prior notice to and receive approval from the Director of Student Conduct & Off-Campus Services and/or the Title IX Coordinator for the purpose of conducting college business. Before a student may be readmitted to the college after the designated period of time, the student must meet with the Dean of Students to show satisfactory completion of any assigned directives or to discuss stipulated conditions for their return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Title IX & Sexual Misconduct and the Office of Student Conduct & Off-Campus Services indefinitely. Should a student wish to return to the college after the suspension period, the student must comply with any academic standards and procedures then in effect.
- **Expulsion.** Permanent dismissal from the college and restriction from college property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Title IX & Sexual Misconduct and the Office of Student Conduct & Off-Campus Services indefinitely. Expulsion is the most serious disciplinary action taken by the college and is generally reserved for only those cases of behavioral misconduct in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent removal from the college.
- **Degree Revocation.** Permanent revocation of an earned degree from the college and restriction from college property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Title IX & Sexual Misconduct and the Office of Student Conduct & Off-Campus Services indefinitely. Degree revocation is reserved for only those cases of behavioral misconduct that occur while an individual is a student, but is not made known to the college until after a degree is earned, and in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent revocation of an earned degree from the college.

2. Education Outcomes.

- **Restorative Practices.** Participation in a discussion by trained facilitators with any persons or departments harmed and development of a shared agreement of how to correct the harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative process. Restorative practices will not be available to students responding to or being found in violation of any physical sexual misconduct.
- **Mediation.** Participation in a mediated discussion with other disputants facilitated by multipartial trained mediators with the hope of developing a negotiated agreement serving as resolution to the dispute. Unlike in other sanctions, all participants must

Form of Prohibited Conduct	Designated Sanction Range
Sexual Assault	
Completed or attempted, Sexual Penetration, however slight, of a person without that person's Effective Consent.	Suspension to Expulsion
(Fondling) The touching of an Intimate Body Part of another person for the purpose of sexual gratification, without that person's Effective Consent.	Pending Suspension to Expulsion
(Incest) Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.	Warning to Expulsion
(Statutory Rape) Sexual intercourse with a person who is under the statutory age of consent.	Suspension to Expulsion
Interpersonal Violence	
Domestic Violence	Probation to Expulsion
Dating Violence	Probation to Expulsion
Stalking	
When a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.	Warning to Suspension

voluntarily agree to participate in mediation. Mediation will not be available to students responding to or being found responsible for any sexual assault.

- **Mentored Action Plan.** Develop a mentored action plan with the aid of the assigned mentor, agree to the terms of the plan, complete required meeting, and reflection.
- **Other Discretionary Sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the college, or other discretionary assignments.

3. Administrative Directive Outcomes.

- **Administrative Relocation of Housing.** Administrative transfer of a student from one campus housing location to another.
- **Loss of Privilege.** Denial of any specified privilege for a designated period of time. Examples include but are not limited to: guest privileges, restriction from a college event or program, and/or restriction from an area or building.
- **Pending Termination of Housing.** This status serves as a housing probationary status assigned to a student for a specified period of time before their housing privileges are terminated. While on this status, any further violations of college policy may result in termination of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years after a student separates from the college.

- **Termination of Housing.** Removal or prohibition of a student from college housing after a specific date and for a specified period of time. Through the duration of the termination, the student will be restricted from entering all residential floors in college buildings. Students removed from college housing for disciplinary reasons will receive the refund available based on the time of the semester according to the Department of Residential Education and Housing policies and the housing contract. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years after a student separates from the college.
- **Restitution.** Compensation or loss, damage, or injury to college property. This may take the form of appropriate service and/or monetary or material replacement.
- **Parental Notification.** Notification may be sent to parents or guardians of a student who is under 18 years of age, or who is financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other drug incidents for students less than 21 years of age, regardless of financial dependency or resulting sanction.
- **No Contact Directive/Extension of Existing No Contact Directive.** This may include a new directive (as described above), or an extension of an original directive with or without altered or additional parameters or instructions. Sanctioned no contact directives may only be removed at the discretion of the Director of Student Conduct & Off-Campus Services and/or the Title IX Coordinator and per the written request of all involved parties.

Refer to the *Student Conduct Code* or *Sexual Harassment, Misconduct, & Discrimination Policy* for complete definitions of each sanction listed above.

Prohibition of Retaliation

Retaliation against any employee or student who in good faith alleges that they were the victim of discrimination/harassment, provides information in the course of an investigation into claims of unlawful discrimination/harassment, or opposes a discriminatory practice is prohibited.

No employee or student in good faith bringing a complaint, providing information for an investigation, or testifying in any proceeding will be subjected to adverse employment or educational consequences based upon such involvement or be the subject of retaliation.

Disclosure of Results of Disciplinary Proceedings per FERPA Regulations

The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a student's education records, including student conduct files, from unauthorized disclosure to third parties. FERPA allows the college to disclose a student's education record without prior written consent when the disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. TCNJ's disclosure will include all pertinent information, including the final results of the disciplinary proceeding conducted by the institution of post-secondary education with respect to that alleged crime or offense. Furthermore, FERPA permits the college to disclose sanction information to a student or party who has filed a report of conduct that is a violation under Personal Abuse (see Section D.3 under Violations of Expectations for Student Conduct) when any

sanction directly relates to the reporter. In the event that the reporter is deceased, the college, as permissible by FERPA, would share records with the next of kin.

Fire Safety Education and Awareness

The Office of Environmental Health and Safety works closely with the Department of Residential Education and Housing and the New Jersey Department of Community Affairs, Division of Fire Safety to ensure that all on-campus student housing facilities managed by the college are in compliance with the International Fire Code New Jersey Edition 2015. On-campus student housing facilities managed by the college include traditional dorm-style residence halls and individual houses owned by the college (referred to as college houses), all of which are managed by the staff of the Department of Residential Education and Housing.

Fire safety systems protect all college-managed on-campus student housing facilities, and each system consists of fire alarms, smoke detection, and sprinkler protection. Strobe lights are equipped in certain rooms based on occupant need and required codes.

Additionally, all on-campus student housing facilities and attached parking garages are equipped with fire extinguishers. Fire safety systems in college-managed residence halls are monitored 24 hours a day, seven days a week by the Office of CPS. In college houses the sprinkler system is monitored 24 hours a day, seven days a week by a contracted central station monitoring company that notifies the Office of CPS in the event of an alarm.

Fire safety education for college-managed on-campus student housing facilities is prepared by the Office of Environmental Health and Safety for the Department of Residential Education and Housing, to provide information to all occupants of these facilities. Fire safety education topics include, but are not limited to, fire prevention, safe evacuation techniques, and fire extinguishers.

TCNJ maintains a mandatory evacuation policy in all college-managed on-campus student housing facilities. In accordance with this policy, in the event of a fire or upon activation of any fire alarm, all building occupants are required to evacuate the building. Evacuees are then required to retreat to a safe location at least 50 feet from the building. Any person who fails to evacuate during a fire alarm activation is subject to criminal complaints by the Office of CPS and/or disciplinary action through the Student Conduct process. Each on-campus student housing facility has a fire safety and evacuation plan.

During the 2021–22 academic year, at the direction of the Office of Environmental Health and Safety and the Office of CPS, the Department of Residential Education and Housing performed a total of 61 fire drills. The college has 16 residence halls. Fire drills were completed for each of the occupied college-managed on-campus student housing facilities, in the following manner: two (2) fire drills were conducted during the fall 2021 semester and two (2) fire drills were conducted during the spring 2022 semester. During each semester the first drill was conducted within 10 days of the beginning of classes and at least one (1) drill was conducted between sunset and sunrise. This drill schedule is implemented each academic year and is in compliance with the International Fire Code New Jersey Edition 2015. One residence hall was vacant during three (3) of the four (4) rounds of fire drills.

During fire drills of the college-managed on-campus student housing facilities, the Department of Residential Education and Housing visually checks each room to confirm all residents have evacuated

from the building. Additionally, the Department of Residential Education and Housing performs visual inspections of each resident's room in on-campus student housing facilities to confirm fire safety compliance. Residents found in violation of college policy are subject to disciplinary action through the Student Conduct process.

In adherence to the International Fire Code New Jersey Edition 2015, the following is strictly prohibited in all college-managed on-campus student housing facilities: tampering or misuse of all fire safety equipment (which includes, but is not limited to, fire extinguishers, fire alarm pull stations, sprinkler heads, smoke detectors, heat sensors, "Exit" signs, emergency lighting, elevator phones, fire doors, and call boxes); blocking doorways; hanging objects from windows; hanging objects on/from fire safety equipment or the ceiling; and initiating false alarms. TCNJ and the state of New Jersey treat false alarms very seriously. Individuals who initiate false alarms are subject to local, state, or federal legal processes and/or disciplinary action through the Student Conduct process.

Due to their extreme potential fire hazards the following items are strictly prohibited in college-managed on-campus student housing facilities: candles (even for decorative purposes); incense; halogen lamps; fireworks; smoke/fog machines; flame-producing devices; personal furniture containing or constructed of urethane; and appliances with exposed heating elements, including but not limited to broiler or toaster ovens, heating devices, hotplates, toasters, and space heaters (in emergencies, space heaters may be issued by the Department of Residential Education and Housing staff). The use of appliances with enclosed heating elements for cooking purposes is only permitted in the common areas (i.e., kitchens and lounges); this includes rice cookers, slow cookers, and similar items. Electronic devices, including but not limited to protected power strips, must be listed/certified by a nationally recognized testing laboratory (e.g., UL, ETL, etc.). Extension cords, unprotected power strips, "multiplug adapters," and similar are prohibited from use in college-managed on-campus student housing facilities, as is the act of "Daisy chaining" power strips (i.e., connecting multiple power strips together).

According to New Jersey state law, smoking of any tobacco product or use of any electronic smoking devices in any indoor public place or workplace is prohibited. In order to maintain the highest levels of health and safety possible, TCNJ prohibits smoking of any tobacco product or use of any electronic smoking devices in all residential buildings. Residents and occupants of facilities in which evidence of use of such a product is found are subject to action through the Student Conduct process and/or fines from the state of New Jersey.

All fire safety violations are considered very serious and may result in removal from residence. A fire log is maintained at the Office of CPS. To review this log, please visit the dispatch window located in the college's Administrative Services Building. All fires are required to be reported to the Office of CPS.

Campus Town

In addition to the aforementioned college-managed on-campus student housing facilities, there are also on-campus student housing facilities that are located on land owned by TCNJ. This land was developed and is managed by the PRC Group, of West Long Branch, New Jersey, and its agents. This development is called Campus Town, and it includes student housing and other facilities. For portions of Campus Town that are used as student housing facilities, the PRC Group and its agents establish and enforce any policies or procedures for their residents.

At Campus Town, fire safety systems protect all student housing facilities. Each system consists of fire alarms, smoke detection, and sprinkler protection. Strobe lights are equipped in every student apartment and bedroom. Additionally, all Campus Town student housing facilities are equipped with fire extinguishers. Fire safety systems in Campus Town student housing facilities are monitored 24 hours a day, seven days a week by a contracted central station monitoring company that notifies the college's Office of CPS and Campus Town staff in the event of an alarm activation.

Campus Town residence staff share fire safety information via email with each resident. In a fire situation, Campus Town staff and students are instructed to use the pull stations, evacuate the building, and to notify the college's Office of CPS if the alarm has not sounded.

Residents are instructed to evacuate the building using stairs to muster locations. A map of Campus Town evacuation location for each building is posted in the entry point of every building. The evacuation map for Campus Town is emailed to every resident at the beginning of the fall semester.

Campus Town staff live in residence and will be present in the event of a building evacuation. In 2019, Campus Town completed fire drills in eight of the nine buildings in spring 2019, and completed all nine buildings in fall 2019. Campus Town had no fires in 2019. Going forward in 2020, Campus Town will perform one fire drill per building during the fall semester only. Due to the pandemic and residents taking online classes from their apartments during fall of 2020, residents were informed of evacuation protocols via email. Campus Town had no fires in 2020. During the fall 2021 semester, Campus Town completed a fire drill for each of the nine buildings. Campus Town had no fires in 2021.

Campus Town residents are instructed to report all fires directly to the college's Office of CPS, and to give immediate notice to Campus Town management regarding any fire, accident, damage, and/or any dangerous or defective conditions. Emergency contact phone numbers, including for the college's Office of CPS, are located in each student apartment on a magnet initially located on the refrigerator or on a mounted wall flyer inside each apartment next to the front door.

For Campus Town, the following actions and items are prohibited in the premises and about the property: using fire warning devices and equipment for purposes other than cases of emergency; falsely reporting a fire or any other emergency; tampering with fire safety equipment; setting or fueling a fire of any size; using or possessing candles, other open flame devices, incense, hookahs, halogen lamps, or halogen bulbs of any kind; refusing to leave a building during a fire alarm; smoking inside any part of Campus Town; using or possessing fireworks or firecrackers, or dangerous/flammable chemicals or liquids; open flame (e.g., candle, incense, cigarette, cigar, etc.) inside any part of Campus Town; large appliances or structures without Campus Town management's approval (i.e., waterbeds, additional refrigerators besides mini fridges, large lofts, etc.); "piggy-backing" surge protectors and plugging more than one surge protector into an outlet; excessively overloading or "doubling up" on extension cords or string lights; charcoal and propane grills; use of stove or microwave while apartment is unoccupied; removing fire extinguisher from common spaces within the building; and failing to comply with procedures established for health and safety concerns.

Crime Statistics: (due to the pandemic, 2020–21 stats will be lower than previous years)

	Calendar Year	On Campus*	Residential Facilities	Non-Campus Bldg./Property	Public Property**	Unfounded
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Burglary	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	3	3	0	0	0
Arson	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	1***	1	0	0	0
Motor Vehicle Theft (includes golf carts)	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	2	0	0	0	0

* Includes all on-campus incidents, including those listed under Residential Facilities.

** Includes incidents that took place off campus on public property immediately adjacent to and accessible from the campus.

*** Intentionally lit papers each occurrence.

SUMMARY OF UNFOUNDED CRIMES*	
Calendar Year	# of Unfounded Crimes
2021	0
2020	0
2019	0

* Reported crimes found through investigation to be false or baseless.

Crime Statistics cont. (due to the pandemic, 2020–21 stats will be lower than previous years)

	Calendar Year	On Campus*	Residential Facilities	Non-Campus Bldg./Property	Public Property**	Unfounded
<i>ARRESTS FOR VIOLATIONS OF:</i>						
Liquor Law	2021	11	9	0	0	0
	2020	10	8	0	0	0
	2019	48	33	0	0	0
Drug Law	2021	7	5	0	1	0
	2020	5	5	0	0	0
	2019	11	9	0	0	0
Illegal Weapons	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
<i>DISCIPLINARY ACTIONS/CONDUCT REFERRALS FOR VIOLATIONS OF:</i>						
Alcohol Referral	2021	215	215	6	1	0
	2020	100	100	0	0	0
	2019	328	326	0	0	0
Drug Referral	2021	45	45	0	0	0
	2020	7	7	0	0	0
	2019	24	24	0	0	0
Weapons Referral	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

* Includes all on-campus incidents, including those listed under Residential Facilities.

** Includes incidents that took place off campus on public property immediately adjacent to and accessible from the campus.

Sexual Offenses: (due to the pandemic, 2020–21 stats will be lower than previous years)

	Calendar Year	On Campus*	Residential Facilities	Non-Campus Bldg./Property	Public Property**	Unfounded
Rape	2021	8	8	0	0	0
	2020	1	1	0	0	0
	2019	13	12	1	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Fondling	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	8	6	1	0	0
Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

VAWA Offenses: (due to the pandemic, 2020–21 stats will be lower than previous years)

	Calendar Year	On Campus*	Residential Facilities	Non-Campus Bldg./Property	Public Property**	Unfounded
Domestic Violence	2021	1	0	0	0	0
	2020	1	0	0	0	0
	2019	1	1	0	0	0
Dating Violence	2021	3	1	0	0	0
	2020	2	2	0	0	0
	2019	7	5	0	0	0
Stalking	2021	7	3	0	0	0
	2020	0	0	0	0	0
	2019	6	4	0	0	0

* Includes all on-campus incidents, including those listed under Residential Facilities.

** Includes incidents that took place off campus on public property immediately adjacent to and accessible from the campus.

Fire Statistics

<i>Student Housing Facility</i>	<i>Calendar Year</i>	<i>Number of Reported Fires</i>	<i>Cause of Fire</i>	<i>Fire-Related Injuries</i>	<i>Fire-Related Deaths</i>	<i>Value of Property Damage</i>
Allen Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
Brewster Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
Centennial Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
Cromwell Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
Decker Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
Eickhoff Hall*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	1	Unintentional: Small electrical fire	0	0	\$120
Eickhoff Hall Parking Garage, Lot 16*	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0

* On Campus: 2000 Pennington Road, Ewing, NJ 08628.

Fire Statistics cont.

<i>Student Housing Facility</i>	<i>Calendar Year</i>	<i>Number of Reported Fires</i>	<i>Cause of Fire</i>	<i>Fire-Related Injuries</i>	<i>Fire-Related Deaths</i>	<i>Value of Property Damage</i>
<i>Ely Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Hausdoerffer Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>New Residence Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Norsworthy Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Phelps Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Townhouses East*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Townhouses South*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0

* On Campus: 2000 Pennington Road, Ewing, NJ 08628.

Fire Statistics cont.

<i>Student Housing Facility</i>	<i>Calendar Year</i>	<i>Number of Reported Fires</i>	<i>Cause of Fire</i>	<i>Fire-Related Injuries</i>	<i>Fire-Related Deaths</i>	<i>Value of Property Damage</i>
<i>Townhouses West*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Travers Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Travers/Wolfe Link Parking Garage, Lots 10 & 11*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>Wolfe Hall*</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	1	Intentional: Small paper fires	0	0	\$0
<i>46 Carlton Avenue, Ewing, NJ 08628</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>60 Carlton Avenue, Ewing, NJ 08628</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>62 Carlton Avenue, Ewing, NJ 08628</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
<i>1884 Pennington Road, Ewing, NJ 08628</i>	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0

* On Campus: 2000 Pennington Road, Ewing, NJ 08628.

Fire Statistics cont.

<i>Student Housing Facility</i>	<i>Calendar Year</i>	<i>Number of Reported Fires</i>	<i>Cause of Fire</i>	<i>Fire-Related Injuries</i>	<i>Fire-Related Deaths</i>	<i>Value of Property Damage</i>
1898 Pennington Road, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
1904 Pennington Road, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
1908 Pennington Road, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
1910 Pennington Road, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
1914 Pennington Road, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
100 Campus Town Circle, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
200 Campus Town Circle, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0

Fire Statistics cont.

<i>Student Housing Facility</i>	<i>Calendar Year</i>	<i>Number of Reported Fires</i>	<i>Cause of Fire</i>	<i>Fire-Related Injuries</i>	<i>Fire-Related Deaths</i>	<i>Value of Property Damage</i>
500 Campus Town Drive, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
600 Campus Town Drive, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
700 Campus Town Drive, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
300 Main Boulevard East, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
400 Main Boulevard East, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
100 Metzger Drive, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0
200 Metzger Drive, Ewing, NJ 08628	2021	0	N/A	0	0	\$0
	2020	0	N/A	0	0	\$0
	2019	0	N/A	0	0	\$0

Fire Safety Definitions

Fire. Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. For purposes of fire reporting, this only applies to fires in on-campus student housing facilities and parking facilities/dining halls that are physically attached.

Fire Drill. A supervised practice of a mandatory evacuation of a building for a fire.

On-Campus Student Housing Facility. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. For purposes of fire reporting, this includes buildings that are owned by the Trenton State College Corporation, which has an agreement with the college to provide student housing.

Cause of Fire. The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Unintentional Fire. A fire that does not involve an intentional human act to ignite or spread fire into an area where the fire should not be.

Intentional Fire. A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.

Undetermined Fire. A fire in which the cause cannot be determined.

Fire-Related Injury. Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-Related Death. Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. This includes a person who dies within one year of injuries sustained as a result of the fire.

Fire Safety System. Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of Property Damage. The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption. For purposes of fire reporting, any claims made against the college for personal property damage are done directly through the State of New Jersey via New Jersey Tort Claims, so the college is not made aware of personal property damage values. As such, they are not included in reporting.

Hate Crime Definitions

The College of New Jersey discloses Hate Crime statistics based on the following Clery Act requirements.

Hate Crimes. Crimes that manifest evidence that the victim was intentionally selected because of bias against the victim’s:

- Race
- Gender
- Religion
- Sexual Orientation
- Ethnicity
- National Origin
- Disability
- Gender Identity

The College of New Jersey is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug violations and/or illegal weapons possession, and larceny, vandalism, intimidation, and simple assault, and any crimes involving bodily injury to any person.

Larceny. The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism. The willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

Simple Assault. An unlawful physical attack by one person against another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault, or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

- **Year.** Disclose statistics for the three most recent calendar years.
- **Geographic Category.** Disclose statistics by geographic location as defined by the Clery Act.
- **Crime Category.** Include all Clery Act offenses that are classified as hate crimes as well as incidents of larceny-theft, simple assault, intimidation, and destruction damage/vandalism of property that are classified as hate crimes.
- **Bias Category.** Include the category of bias for each hate crime.

Hate Crimes Reported:

- **2021:** none reported
- **2020:** none reported
- **2019:** none reported

Offenses Reported Definitions

Aggravated Assault. An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Burglary. An unlawful entry of any structure to commit a felony or a larceny.

Criminal Homicide.

- **Murder and Non-negligent Manslaughter.** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence.** The killing of another person through gross negligence.

Dating Violence. The term “dating violence” means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.

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, by a person

similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

Motor Vehicle Theft. The theft or attempted theft of any motor vehicle.

Robbery. The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent.

Stalking. The term “stalking” means engaging in a course of conduct (specifically two or more acts) directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others.
- Suffer substantial emotional distress.

Important Telephone Numbers

Office of CPS 24/7 Dispatch Center.....	609.771.2345
Office of CPS Administrative Office	609.771.2171
Safety Walk	609.771.2345
Office of the Vice President for Student Affairs.....	609.771.2201
Alcohol and Other Drug Support Services (AOD)	609.771.2572
Student Health Services	609.771.2889
Counseling and Prevention Services (CAPS).....	609.771.2247
Anti-Violence Initiatives (AVI).....	609.771.2272
Occupational Safety and Environmental Services.....	609.771.2881
Office of Student Conduct & Off-Campus Services	609.771.2780
Office of Title IX & Sexual Misconduct.....	609.771.3112

Campus Map



Current as of October 9, 2020

