

# Brookdale Community College Annual Security Report

As per the federal 'Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act'



## 2023

**An Annual Report for Students, Employees and Applicants  
for Admission or Employment**



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## *Jeanne Clery*

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The 'Jeanne Clery Act' is a federal consumer protection law named after Jeanne Clery, who was a 19-year-old college freshman at Lehigh University in 1986.

On April 5, 1986, Jeanne was horrifically beaten, slashed, raped, sodomized and strangled to death by a 20-year-old male commuter student of Lehigh. Her murder occurred within her own dormitory, after she awoke to find the man burglarizing her room.

Jeanne's parents subsequently discovered that Lehigh University had reportedly experienced [38] largely unpublicized violent crimes on campus over the preceding [3] years. Those crimes included rapes, robberies and assaults. Her parents then looked into the security measures and reporting of crimes at other colleges and universities and soon realized that this brutal murder could have occurred on most any one of those campuses, as well. As such, they began work to get a law passed that would require institutions of higher learning to publicly disclose campus crime and threat information. The purpose of such a law would be to allow students and parents to make informed decisions about one's safety, and to perhaps avoid a tragedy, like the one that took their daughter's life.

In 1990, 'The Jeanne Clery Disclosure of Campus Safety Policy and Crime Statistics Act' ['The Clery Act'] was passed into law, requiring all federally funded institutions of higher education [IHEs] to annually report to the United States Department of Education on the serious crimes that occur on their campuses. The law further requires IHEs to promptly notify the campus community whenever a serious and ongoing threat exists, whether a criminal threat or otherwise. IHEs must also have policies in place that relate to campus security, and they must produce an 'Annual Security Report,' which is to be made publicly available. The ASR must include the reported crime statistics, physical security measures, information on the institution's crime reporting mechanisms, safety programming, Title IX process, emergency notification systems, medical/counseling resources, and other information that will help keep the collegiate community safe.

Brookdale Community College remembers Jeanne Clery with this document, and all of the tremendous work that her parents did to help protect the lives of others.

Brookdale Community College is committed to keeping Brookdale one of the safest learning environments in the country.

## **Forward/Clery Act Information:**

As required by the federal **Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act [20 U.S.C. 1092 [f]]**, each year Brookdale Community College publishes an 'Annual Security Report.' This report is available to the public, free of charge, both via the Brookdale Community College website and via a printed document. Each year, the latest version of the report is posted to the website no later than October 1<sup>st</sup>. Amongst other items, the 'Brookdale Clery Annual Security Report' contains information about certain Brookdale's crime statistics, its policies on matters like how to report a crime, sexual assault and sexual harassment handling, victim rights, alcohol, weapons and drugs, Student Conduct violations, Title IX protocols and process, Timely Warnings and Emergency Notification messages, contact persons/information, and how members of the Brookdale community can safeguard themselves through prevention/safety tips. The collective content herein demonstrates Brookdale's commitment to maintain its properties as a very safe and positive environment for all. Copies of the printed versions are made available to anyone through the Monmouth County Sheriff's Department at Brookdale, BAC building, 1st floor, Lincroft, NJ, campus. [Note: The Brookdale Community College Police Department provided all policing services to Brookdale in 2022, but the Monmouth County Sheriff's Office replaced the BCCPD in March, 2023.]

Within this Annual Security Report [ASR], are all of reportable offenses/crimes that were reported to have occurred within Brookdale's geography within the past the three [3] prior calendar years. Brookdale's geography includes all of its properties/campuses/regional locations, certain adjacent public property and 'non-campus' areas, all of which are defined on Page 24 of this document, under 'Geography Definitions from the Clery Act.' Crime data for this report is collected from various internal departments of Brookdale, from on-campus law enforcement department[s], and from outside law enforcement entities.

Reportable offenses, as provided by the Clery Act, are divided up into four categories, and include:

- **Primary Criminal Offenses**: Criminal Homicide [Both Murder/Non-Negligent Manslaughter and Negligent Manslaughter], Sex Offenses [Rape, Fondling, Incest, and Statutory Rape], Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.
- **Hate Crimes**: Includes a separate count [in addition to the crime count] of any of the crimes listed above, if it is determined that they were motivated by hate. The offenses of Larceny/Theft, Simple Assault, Intimidation, and Vandalism/Property Destruction incidents will also be counted per Clery, but only if they are determined to be motivated by hate.
- **Arrest and Disciplinary Referrals for Alcohol/Liquor, Illegal Drug and Weapons Violations**: Includes possession/usage/distribution and related violations.
- **'Violence Against Women Act of 1994' Offenses**: Includes and incidents of Domestic Violence, Dating Violence, and Stalking, counted separate and in addition to the crimes/offenses listed above [eg-The rape and murder of one person would be counted once for murder and once for a VAWA/rape violation].

See the definitions of all of these offenses on Pages 21-23 of this document.

## **Brookdale Community College Overview and Background:**

**B**rookdale Community College's (BCC) main campus/property is located in Lincroft, N.J., which is within Middletown Township. Middletown Township is located within Monmouth County, off of Garden State Parkway Exit 109. BCC is an excellent resource for residents of Monmouth County, New Jersey. Brookdale offers AA, AS, and AAS degrees in over 80 academic programs including options, 5 Academic Credit Certificates, and 10 Academic Credit Certificates of Achievement., plus noncredit classes in many areas of personal and professional interest.

The College was founded in 1967 and is sponsored by the citizens of Monmouth County through the Board of Chosen Commissioners. Equal opportunity for all is a College mandate; the College does not discriminate against anyone on any basis, either in education or in employment practices. An appointed Board of Trustees sets policies, fixes tuition and fees and continually monitors education programs.

Our credit enrollment in Fall 2022 was 9,896 full and part time students. For all of 2022, Brookdale had 16,220 unduplicated student enrollments. Community College does not provide dormitories/student housing for its students. The College is also open to visitors/guests from the public.

Most Brookdale students are eligible for various forms of Financial Aid administered through the College, including federal and state grants and loans, and private scholarships offered through the Brookdale Foundation.

All students are encouraged to participate in the many campus events, clubs, guest lectures and athletic programs offered through the office of Student Life & Activities. Brookdale also provides a wide range of Student Services and Services for Persons with Disabilities.

Brookdale also operates regional locations around Monmouth County, offering local access to Brookdale's credit and non-credit programs and services, as well as contributing to the economic growth of Monmouth County.

In the over 50 years since Brookdale opened its doors, both the College and the County have grown tremendously. The 220-acre main campus in Lincroft today comprises 23 buildings/structures [including Monmouth County's High Technology High School and the Monmouth County Museum] totaling over 700,000 square feet, including Larrison Hall, the Center for the Visual Arts, the Bankier Library, the Warner Student Life Center, the Recreation & Events Center, and an eSports Arena and a Wellness Center, both of which are set to open in early Fall, 2023.

The campus also includes a 380-seat Performing Arts Center, an Advanced Technology Center with state-of-the-art television and electronic music studios, athletic fields, Brookdale Public Radio 90.5 The Night, and numerous computer labs with fully networked PCs running all today's mainstream applications.

The Monmouth Museum is also located on the Brookdale campus, as well as the High Technology High School, and Rutgers University students/staff, via the College's partnership with that institution.

Brookdale is an open admission, comprehensive community college, available to anyone 18 years of age or older, anyone who is a high school graduate or holder of an equivalency diploma. If you do not have a high school diploma or an equivalency diploma, you may still enroll at Brookdale as long as you are 18 or older.

The College campuses are some of the safest in the country, but no campus is free from crime, whether it is urban, suburban, or rural. All members of the College community, therefore, should take reasonable

precautions. BCC is committed to working with all members of the community to make our campuses safe and secure environments. The College has a series of policies to assist in these efforts.

The following information has been prepared to increase your awareness of the current programs that exist to assist you in protecting your safety and well-being. Portions are also provided in compliance with federal law, specifically the Clery Act and the Higher Education Opportunity Act (HEOA). BCC has been fortunate in experiencing few serious crimes, but such incidents could occur, and all crime is serious to the victim. Students, Faculty and Staff are responsible for adopting measures to protect themselves and their possessions.

The information contained in this document pertains to the Lincroft Campus as well as Brookdale at Hazlet [which closed in December, 2022], Brookdale at Long Branch, Brookdale at Wall, Brookdale at Neptune and Brookdale at Freehold. Since Brookdale's relevant policies apply to all BCC locations, the compliance information herein provides BCC students/employees with one document to review all of BCC's security information and crime statistics.

## **The Monmouth County Sheriff's Office, the Brookdale Community College Police Department and Security Officers**

The Brookdale-Lincroft campus is located at 765 Newman Springs Rd, Lincroft, N.J. The Brookdale Community College Police Department (BCCPD) was an accredited police department, composed of commissioned police officers, responsible for providing police and security services for the Lincroft campus through 2022. While the Monmouth County Sheriff's Office replaced the BCCD in March, 2023, the policing of Brookdale [24/7/365] and the much of the work associated with 2023 Annual Security Report [ASR] was completed by the BCCPD. The BCCPD was also responsible for providing/overseeing security officer personnel at our regional locations in Hazlet, Long Branch, Wall, Neptune and Freehold campuses.

BCCPD was headed by a Police Chief who reported to the Associate Vice President-Human Resources & Organizational Safety. There were 12 Full-time sworn Police Officers certified by the N.J. Police Training Commission [PTC] and the State of New Jersey.

The Monmouth County Sheriff's Office [MCSO] signed a Memorandum of Understanding with BCC to take over police of the Lincroft campus starting in 2023. The MCSO employs over [140] commissioned Sheriff's Officers, and took over policing operations at BCC in March, 2023. The MCSO is directly overseen by a Sergeant and a Lieutenant. The MCSO at Brookdale operates on the BCC Lincroft campus twenty-four hours a day, 365 days a year, and maintains an office on the 1<sup>st</sup> floor of the BAC building, Lincroft. Officers that worked for the BCCPD are now employed by the MCSO, and most continue to work on BCC's grounds/serve the BCC community. The 2023 Brookdale Community College ASR author and 'Clery Coordinator' is the former Chief of Police of the BCCPD, who's now a Monmouth County Sheriff's Officer.

BCCPD Police Officers and MCSO Sheriff's Officers are all sworn officers, and have received the same police academy training as any New Jersey municipal police officers. They carry firearms, conduct criminal investigations, have full arrest powers and enforce traffic and criminal statutes, as well as College policies and regulations. Both units can/did maintain mobile, bicycle, and foot patrols over the entire Lincroft campus, and their jurisdiction includes the Brookdale property and the adjacent public areas, like streets and sidewalks. Officers respond to first aid calls, fire calls, and other emergencies. Officers stationed at BCC are always in radio contact with each other and the Monmouth County Sheriff's Office Communications Center, which has been the Dispatcher Center for the BCCPD and MCSO. The MCSO can request exceptional types/amounts of resources, as needed, to handle any emergency. Officers can quickly respond to and report on any potentially unsafe conditions/situations and or respond to and handle emergency situations and calls for service. All of the BCCPD/[MCSO officers on the Brookdale campus

were/are trained in the deployment of naloxone, a drug administered to reverse drug overdoses. BCCPD and Sheriff's Officers were/are trained in first aid, tourniquet application, CPR, and on the use of Automated External Defibrillators [AEDs]. BCCPD Police Officers were part of the BCC Behavioral Intervention Team [BIT] and they offered up public education programs/speeches on personal safety/sexual assault prevention, distracted driving, emergency management, and other critical topics.

## **Specialized/Ongoing Training**

The BCCPD and MCSO have both provided specialized ongoing training for its officers. Practical training subjects include firearms/qualifications, active shooter response, de-escalation training, critical incident response, and other topics/response to other emergencies that are of particular concern for those within a college community.

Other types of specialized/ongoing training includes lectures/classroom lessons that are presented by the Monmouth County Prosecutors Office and other outside local, County, State and Federal law enforcement agencies, as well as private entities. Training is also conducted for all BCCPD/MCSO officers via online modules and during internal meetings/training sessions. Such training topics may pertain to State mandated training like domestic violence, vehicle pursuits, and use of force, new case law, specialized investigations, other timely topics.

## **Monmouth County Sheriff's Office Mission Statement**

The Monmouth County Sheriff's Office is a professional law enforcement organization dedicated to providing ethical, efficient, fair and high-quality law enforcement services for the citizens we are privileged to serve.

A) Protecting life and property.

B) Preventing crime, reducing the fear of crime, and apprehending those who violate the law

C) Providing the community with public service in the form of various community and law enforcement educational programs.

D) Working cooperatively with the public, other law enforcement and government agencies, employees shall strive to improve the quality of life for all resident and visitors to Monmouth County.

Through our Mission Statement, the MCSO helps Brookdale to achieve their goal of providing quality education in a safe and secure atmosphere. We will preserve a learning environment that supports academic freedom, respect for diversity, fair and equal treatment to all, and an open exchange of ideas.

## **Criminal Investigative Actions/Resources/Working Relationships with Other Agencies/Crime Logs**

The MCPO and the BCCPD maintained a working relationship with one another in 2022, as well as with the Middletown Township Police Department (MTPD), the Monmouth County Prosecutor's Office, with other law enforcement agencies in the towns where the regional locations are located, and state and federal law enforcement agencies. These agencies have worked together, when needed, to execute joint investigations and/or to plan/secure major events. These entities have also shared resources to ensure the College's security planning. In 2022 and in previous years, the BCCPD was responsible for investigating all crimes that were reported to have occurred on the Lincroft campus. In 2023, that responsibility belonged to the MCSO. Both agencies have documented all investigative actions in written/electronic standardized Incident Reports, and via other documents. The BCCPD Security Officers complete Daily Activity Reports to document their actions and activities. They complete standardized Incident Reports for significant incidents, including all crimes. The Security Officers reported all criminal activities and emergency

situations to the BCCPD/MCSO and to the local municipal police department of that facility. Local police departments may work with or solely investigate crimes that reportedly occur at/on/around the Brookdale regional locations. Information about investigations/their reports/findings can be shared directly with the BCCPD/MCSO or via the joint computer-assisted dispatch [CAD] system. Designated MCSO/BCCPD officers/detectives provide follow-up investigation on a reported crime when it is deemed appropriate. Crime Logs/Crime Ledgers will denote the follow-up investigation status/disposition.

Crime Logs are documents that include the nature, date, time [if known], and general location [within Brookdale's geography] that each crime reportedly occurred at. The Log will also show the complaint's current disposition, and the Log will be updated within two business days, unless disclosure would somehow jeopardize the confidentiality of the victim, or unless the disclosure is prohibited by law. The Log may also not immediately disclose the crime/status if doing so would jeopardize an ongoing investigation, create a safety issue, cause the suspect to flee/evade detection, or result in destruction of evidence. However, the College will disclose any withheld information once the adverse condition is no longer likely to occur. Crime Logs for the most-recent sixty [60] day period are available for immediate public inspection at the MCSO Office on the first floor of the BAC building/Lincroft campus, off of parking Lot #3. Crime Logs that are older than sixty [60] days will be made available for public inspection within two [2] business days.

If assistance is required from an outside law enforcement/first responder entity, the MCSO/BCCPD will/did contact the appropriate unit. For instance, if a sexual assault or rape should occur, staff/an MCSO officer can offer the victim a wide variety of services. The MCSO can contact the MCSO Communications Center/dispatch, which can activate the Sexual Assault Response Team (SART). The SART is a group of trained members who are on-call and available to assist a victim of sexual assault 24 hours a day.

## **Dispatchers/Communications**

Dispatchers are available to answer calls about the Lincroft campus telephone numbers 24 hours a day, 7 days a week, 365 days a year, via the Monmouth County Sheriff's Office Communications Center [MCSOCC]. In response to a call for service, the MCSOCC will take the required action, by providing a direct response, by dispatching an MCSO officer, and/or by asking the victim to report to the MCSO office to file an incident report.

## **Brookdale Regional Locations/Public Safety Director/Security Officers**



Starting in April, 2023, Brookdale created a Director, Security and Public Safety [DSPS] position to oversee security officers/measures at Brookdale properties. The DSPS oversees all security officer functions, attends Behavioral Intervention Team [BIT] meetings, is part of the Student Conduct Board and the Brookdale Clery Compliance Committee, and addresses/advances security measures/vulnerabilities at the Brookdale regional locations [RLs], which are also known as 'higher education centers' [HECs].

**At each of the Brookdale regional locations**, one unarmed security officer is posted just inside the main front doors. In 2022, BCC also contracted/added private armed security officers to be present at each center, with the intention of enhancing security.

**Brookdale at Hazlet** was closed in December 2022. It was located at:  
One Crown Plaza, Hazlet, NJ just off Union Ave.

**Brookdale at Long Branch** is located at:  
213 Broadway on the corner of Third Ave, Long Branch, NJ off the Garden State Parkway Exit 105 and Route 36 east.

**Brookdale at Wall** is located at:  
800 Monmouth Blvd at 6<sup>th</sup> street, Wall, NJ just off Union Ave. off of Rt 18.

**Brookdale at Neptune** is located at:  
60 Neptune Boulevard, Neptune, NJ just west of Route 35.

**Brookdale at Freehold** is located at:  
3680 Route 9 South, Freehold, NJ just south of Route 33.

Security Officers are on duty during times that classes are in session and maintain security at all of our regional locations, i.e. Hazlet [through Dec., 2022], Long Branch, Wall, Neptune and Freehold. They are uniformed and remain visible at all times, and write formal reports on incidents, including potentially unsafe conditions/situations. These Security Officers do not have police/arrest powers [except for potential citizen arrest], but are available in case of need and will contact the related municipal department for any problems that require immediate police action. In 2022, they were supervised by the BCC Police Department. Their patrol jurisdiction is that of the Clery geography of each regional location. The security officers are also trained in CPR, AED and tourniquets.

## **Public Relations**

Representatives from the *Brookdale Newsroom*, a student online news site and *90.5 The Night*, the campus radio station, are invited to meet/speak with the BCCPD's/MCSO's designee at any time to discuss crime on campus, and they decide what information they want to report to the College community.

## **Clery Compliance Group**

Brookdale Community College helps maintain its compliance with the Clery Act via a group of employees who have responsibilities related to the Clery Act. The group will meet annually to re-identify positions that have Clery responsibilities and to refresh knowledge of the law. The group meeting also promotes communication, education, and collaboration on all compliance aspects of the Clery Act.

## **Access to Campus Facilities**

The Lincroft Campus is open to the public. The Newman Springs Road and the Phalanx Road entrances are not gated but the College grounds and buildings should only be accessed/occupied during established business hours, which are typically 6:00AM until 11:00PM Monday through Friday, until 4:00 PM on Saturday, and until 1:00PM on Sundays, in accordance with the policies established by the Campus administration. The buildings are typically secured during those hours when the College is closed. The schedules for these buildings fluctuate and are available from the Brookdale website. The Library hours fluctuate throughout the year. Access to buildings after hours can be provided via the BCCPD/MCSO, provided the person[s] seeking access have previously received Administration's approval.

The Brookdale regional location hours vary semester to semester, but are typically open to the public 8AM until approx. 6PM, Monday through Thursday. Locations may be open during some evenings, on some Fridays/weekends, depending upon class and special event schedules. Public areas are defined at each site and include the building's open computer sections.

Restricted areas/buildings after hours can be monitored directly by officers/security and/or by surveillance cameras.

## **Campus Safety Equipment and Enhancements:**

- The Brookdale properties have a combined total of 27 'Blue Light' Emergency telephones in place, as well as [14] internal call boxes/emergency phones and [21] emergency elevator communication devices.
- Brookdale maintains over [170] security/surveillance cameras across their properties.
- Brookdale classroom door locks are push-button/similar locks, to allow for quick lockdown actions by those inside.
- Classrooms and offices also have in-house telephones.
- Brookdale has a total of 20 Automated External Defibrillators on its properties, including one owned by a landlord. .
- Each Police/Sheriff's Officer and Security Officer have access to, and training with, first aid equipment, AEDs, and tourniquets and an evacuation chair for those that are non-ambulatory.
- BCCPD and MCSO Officers have access to, and are trained to dispense, naloxone for overdoses.
- In 2022, the Brookdale Police maintained a 'confidential hotline' to report crimes, x1999 from an in-house phone, 732-224-1999 from outside lines. In 2023, the MCSO has a confidential online reporting system in place ['Monmouth County Crimestoppers'] and the link is: <https://www.monmouthcountycrimestoppers.com/>
- Brookdale maintains a full fire alert and suppression system in each of its buildings, on each of its properties.
- Brookdale's Police Department utilized 6 total police cars/SUVs to patrol grounds and to respond to emergencies. The MCSO has a fleet of vehicles, including specialized emergency response vehicles, at its disposal.
- Both the MCSO and the Brookdale Police Department have possessed specialized tactical equipment, and both have partaken in specialized tactical/active shooter response training, to prepare for, respond to, and help prevent a mass incident.
- The College [across all properties] maintains [5] motorized emergency evacuation chairs to assist those who are non-ambulatory or similarly challenged when needing to evacuate a building. Each chair supports up to 700 lbs of weight. BCCPD/MCSO officers have been trained in how to operate the chairs.

## **Maintenance and Monitoring of On and Off Campus**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. MCSO officers regularly patrol the Lincroft campus [by vehicle, foot, and possibly by bicycle] and security officers at the BCC regional locations regularly patrol the properties on foot. Jurisdiction of the MCSO and the security officers is limited to BCC grounds/Clery geography. All involved can report on malfunctioning lights, roadway hazards/deficiencies, traffic signs, downed trees, and other unsafe physical conditions to Facilities Management for correction. Vulnerability/other assessments of the campuses/properties are done by officers and Facilities management. Other members of the College community are helpful when they report equipment problems to the MCSO or to Facilities Management. Facilities and the police can/do receive the public's reports on concerns/issues, and employees can file reports with Facilities via an online form on the BCC website: <http://www.myschoolbuilding.com/>

The MCSO can be reached on its non-emergency number at 732-224-2222 if a member of the community wishes to report on a concern/unsafe condition. Facilities can be reached at (732) 224-2299.

The Brookdale locations are monitored in person by uniformed Monmouth County Sheriff's Officers and by Security Officers, both of whom can also monitor surveillance cameras.

BCC does not officially recognize any off-campus student organizations locations.

## **Missing Persons**

A person reported as missing means a person whose whereabouts are unknown. The person reported missing may or may not be in some sort of jeopardy. Out of exceptional concern for their safety, the BCCPD/MCSO follows internal policy/guidelines/best practices, including those of the Monmouth County Prosecutor's Office, to make notifications on, investigate, locate and/or conduct a well-being check on the reported missing person. While the Clery law does not require Brookdale [since Brookdale does not maintain campus housing] to publish Missing Persons information, this section is part of the Brookdale ASR as a preventive/response measure. If someone you know appears to have gone missing from a Brookdale campus, call the MCSO at 9-1-1 [for an emergency] or 732-224-2222 for a non-emergency at the Lincroft campus. At the Regional Locations, immediately call/notify the regional location Security Officer[s] and/or the local police. Contact numbers for the Security Officers/Regional Locations are on Pages 20 of this document.

## **Emergency Response/Emergency Management Plan**

The College's Emergency Management Plan [EMP] is a document that identifies the most likely and concerning emergencies that the College may someday encounter, and prescribes emergency response guidelines/emergency duties/responsibilities for Brookdale employees/departments/subgroups of the Brookdale community. Per the EMP, department heads will educate/review EMP procedures with their subordinates each year. The College also produces a 'quick-flip' Emergency Management Plan Quick Reference Guide which provides the most pertinent response information/emergency protocols to the students/employees, without releasing EMP information that is intended only for those responding to/managing emergency events. These Guidebooks are placed on the BCC website, in all classrooms and in employee offices, where both students and employees can access them and speak/learn about emergency protocols. The current EMP Quick Reference Guide provide information about, but not limited to, Closing the College; Armed Intruder Response; Telephone, Computer or Utility Failure; Media Relations/Information Release; Civil Disturbances; Hostage Situations; Basic First Aid Procedures; Fire Call/Alarm Response; Natural Gas Leaks; Severe Weather; Lockdown, Shelter-in Place and Evacuation Guidelines;/ Suspicious package handling; Bomb or Bomb Threat; and Areas of Rescue Assistance & Areas of Refuge.

While the EMP provides general contingency/continuation of operations roles and responsibilities, College departments are responsible for developing contingency plans and continuity of operations plans for their particular staff and areas of responsibility.

BCCPD and MCSO Officers are/were both trained in Incident Command and in responding to 'all hazards.' Whenever a serious incident is reported, officers on site will respond immediately and seek to confirm or dispel the reported emergency. If confirmed, and if the emergency represents an ongoing threat to the community, the College will immediately notify the community about the emergency via its emergency messaging system. Officers will use training, experience and outside resources to mitigate and resolve the emergency. Depending upon the nature of the incident, the BCCPD/MCSO may call-in/utilize outside first responder departments/agencies to assist.

The BCC Lincroft Emergency Management Quick Reference Guide is available on the BCC website at: [Digital Emergency Management Plan Book \(Lincroft Campus\).pdf \(brookdalecc.edu\)](#) , as listed under the 'Emergency Preparedness' tab.

## **Emergency Communications/Messaging**

In 2022, the College employed the "AlertUS," "Informacast" and 'Rave' emergency notification systems to send out emergency information and lockdown, evacuation, shelter-in-place messages. "AlertUs" was replaced by "Informacast" in July of 2022. These emergency notification systems generate communications that can be used to notify the community about an existing reported criminal threat or about a confirmed significant emergency or dangerous situation. The notification system may also be used to send out lockdown, evacuation, and shelter-in-place messages to the BCC community whenever there is a reasonable belief that the community needs to perform one of those three 'Emergency Actions.' The initial notification messages will also advise the recipients to refer to their Brookdale email/BCC website/other source for further/follow-up information/updates on the emergency. Those follow-up Broadcast Emails/other communications will provide specifics about the reported incident, and will provide all of the information needed to satisfy the requirements of a Timely Warning or of an 'Emergency Notification' message. See pages 12-16 for more on Emergency Actions, Timely Warnings and Emergency Notifications.

Active students and employees are automatically enrolled into the 'Rave' system, and non-students/employees can enroll for Brookdale 'Rave' messages via the Rave site/link [See below]. 'Informacast' and 'Rave' are inter-linked by Brookdale, so a notification message sent through one medium will trigger the other's message channels.[See pages 15-16 for a list of the channels employed.]

Members of the larger community who are interested in receiving information about emergencies on campus should sign up via 'Rave' [ [Rave Login - Brookdale Community College \(getrave.com\)](#) ] for the emergency text message system and should use their Brookdale emails, the Brookdale website and the (732) 224-2345 line for obtaining updates in the event of an emergency on campus.

## **Emergency Actions**

**Evacuation Procedures and Definition-** An evacuation is an emergency action designed to separate occupants or a building/area from an ongoing threat, like a fire or a smoke condition.

### **How You will Know to Evacuate:**

An evacuation may be initiated in one or more ways, including but not limited to, a fire alarm activation, word-of-mouth, and/or an emergency message.

### **How to 'Evacuate':**

- 1] The community will respond to the evacuation notice by quickly leaving classrooms/offices, closing but NOT locking doors behind them so that responding fire department and law enforcement personnel can access the room.
- 2] Before leaving, quickly gather personal items that may be needed.
- 3] Quickly turn off burners or other items that may be unsafe if left unattended.
- 4] Follow guidance/employees through the quickest route out of the building/area. [Know a second route in case the first is blocked/unsafe.]
- 5] Evacuate to the established 'Evacuation Assembly Areas' [EAAs], which are meant to be initial short-term evacuation areas. Do not remain within 300 ft of the buildings that are being evacuated.
- 6] If for safety reasons the community needs to be directed away from the established EAAs, or to a longer-term evacuation area/facility, the MCSO/Fire Dept personnel will direct the evacuees. The College generally does not advise the community in advance about any possible long-term evacuation locations because those decisions are affected by several factors, including the existing threat/type of emergency, security concerns, the time of day, the location of the building being evacuated, and the availability of the various designated emergency gathering locations on and off campus. In all cases, the MCSO/first responders [and assisting staff on scene] will communicate information to students regarding the developing situation or any evacuation status changes. Use of technology [eg emergency messaging] will also be employed to direct/redirect the community.
- 7] Employees/Instructors should make a list of the people that are with them and retain the list for the MCSO/MTFD/other first responders, in case they need to know who was evacuated to where. Call 9-1-1 if the circumstances require an emergency response to your area, including but not limited to, first aid or need to evacuate to another location.
- 8] Keep your smartphone on and monitor it for text/Brookdale email updates on the ongoing situation.
- 9] Once a building has been evacuated, no one should attempt to re-enter the area/building until approved to do by the MCSO/Fire department personnel.

### **Shelter-In-Place Procedures and Definition:**

Shelter-in-Place [SIP] is an emergency action designed to separate community members from a threat that is outside of buildings. As such, a SIP is often referred to as a 'reverse evacuation.' If a threatening situation outside [eg an approaching tornado or a biological/chemical threat] presents itself, a SIP directive will be initiated. Included in the emergency message/follow-up messaging will be information about the specifics of the emergency, and how to respond to it. Community members will stay inside their prescribed area until the situation outside is resolved/made safe and the SIP is lifted.

### **How You Will Know to "Shelter-in-Place"**

Information on the need to shelter-in-place notification may come from several sources, including the MCSO, Facilities staff members, other College employees, the Middletown Police Department [MTPD], the Middletown/Lincroft Fire Department [MTFD]. A Shelter-in-Place activation will come via an emergency message, as issued by BCC College Relation/the BCC President. In 2022, the messages were typically issued by the BCCPD Chief of Police/designee.

## **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are unless directed to a particular portion of the building. As applicable and plausible, gather any personal items/emergency shelter-in-place supplies and a telephone to be used in case of emergency.
2. If you are outdoors, do a ‘reverse evacuation’ and immediately proceed into the closest building, or quickly leave the property. Follow instructions from emergency personnel on the scene.
3. Once inside, shelter inside of a room/area that was prescribed by the emergency message. The specifics of the emergency [as defined in the emergency messaging received] will determine if occupants need to lock the entrance door[s]. Not every SIP requires the locking of classroom/other doors, as it is not a lockdown.
4. Depending upon the type of emergency, you may be directed to:
  - Shelter inside an interior room/away from all exterior windows,
  - In a hallway/interior protected area,
  - On an upper or lower level of the building.
5. The emergency response/messaging may also direct the turning off of air conditioners, heaters, and fans, the closing off of ventilation system vents, or other actions. [The College’s Operations Department will be the ones to turn off the ventilation as quickly as possible.]
6. Make a list of the people sheltering with you and retain the list for the MCSO/MTFD/other first responders, in case they need to know who was sheltering where. Call 9-1-1 if the circumstances require an emergency response to your area, including but not limited to, first aid or evacuation assistance.
7. Always keep smartphones on and monitor them for text and Brookdale email updates on the situation.
8. Make yourself comfortable. You do not need to hide within the room like you would during a ‘Lockdown.’

## **Lockdown Procedures and Definition:**

Lockdowns are an emergency action designed to separate an active human threat/assailant from the community. To help prepare the community to respond to/separate itself from such a threat, the Brookdale Police Department/MCSO has educated students and employees on the principles of ‘Run-Hide-Fight.’ Specifically, community members will know that they can choose to flee from an area [if safe to do so], barricade/lock/hide oneself inside a protected area/room if the threat is close], and/or prepare to fight an assailant [as a last resort].

## **How You Will Know to ‘Lockdown’:**

Lockdowns may be initiated by emergency message, one’s own observations, audible indications [eg gunshots], word of mouth, or other means. Lockdowns will most likely be initiated when a human threat [eg armed intruder] is present on/near a BCC property. An initial ‘lockdown’ message will be sent via the emergency notification system, and subsequent messaging will be made during the event via broadcast BCC emails and possibly text messages. When a lockdown is fully cleared, the MCSO will unlock doors and release/direct the occupants from the classrooms/offices.

## **How to ‘Lock Down’/‘Run, Hide, Fight’**

1] If you know the threat is not near you, consider ‘running’/fleeing/evacuating the area/campus. Understand that if you try and take your motor vehicle, you may become stuck in traffic on campus. You may be able to flee quicker/avoid the threat on foot.

2] If you do not know the whereabouts of the threat, or if the threat is close to you [eg in the hallway], secure yourself in the room/area. Lock the entrance door, turn out the lights and ‘hide.’ If you have time, also barricade the door, close window shades and turn off your computer monitor. Develop a response plan in case the threat gains entry in the room. Fashion an item within the room as a weapon, in case you

need it to defend yourself. Keep smartphones on but SILENCED, so you can receive text/email updates on the ongoing emergency situation.

3] As a last result only, 'fight' and defend yourself with full commitment.

## **Timely Warning Notifications- Immediate/Ongoing Criminal Threats**

In an effort to provide timely notice to the BCC community about certain reported serious 'Clery' crimes [on or off campus] which may pose a serious and ongoing threat to members of the BCC community, or to a particular segment of the community, a 'Timely Warning'/BCC Crime Alert shall be issued to the Brookdale community. Timely Warnings are a special form of crime alert/notification message, which are required by the federal Clery law. These Timely Warnings contain specific information/descriptions about certain crimes that have been reported, including the date and approx. time that a crime was committed, the crime's location, description of the offender, and the method of operation, so Brookdale community members can make informed decisions/take proper precautions. The Timely Warning will also include information/recommendations to help one make informed decisions/take preventive measures to help one avoid becoming a victim of a future similar crime. Such prevention is the main purpose of such Warnings. The confidentiality/anonymity of the survivor/victim is paramount and **is not** included in a Timely Warning.

Timely Warnings may be distributed to the Brookdale community when it is determined that there is a serious and ongoing threat to the Brookdale community, and the crime reported was:

- 1] Murder/Non-Negligent Manslaughter
- 2] Negligent Manslaughter,
- 3] Aggravated Assault,
- 4] Robbery,
- 5] Burglary
- 6] Sex Offenses- Rape, Incest, Fondling, Statutory Rape
- 7] Motor Vehicle Theft,
- 8] Arson,
- 9] Hate Crimes [includes any above, plus Larceny, Simple Assault, Vandalism, and Intimidation],
- 10] 'Violence Against Women Act' Offenses [including Domestic Violence, Dating Violence, and Stalking] and
- 11] Report of any other crime classification, which the College deems as an ongoing threat that is necessary to warn the community about.

Timely Warnings were authorized and issued by the Brookdale Chief of Police in 2022. Effective March, 2023, Timely Warnings [TWs] are authorized and issued by the Brookdale College Relations Department/College President/designee, based upon information provided by the BCCPD/MCSO.

In the annual letters that the Brookdale Clery Coordinator sends to outside law enforcement agencies, there is a section that explains Timely Warnings. The letter also states that Brookdale/the MCSO needs immediate advisement from those departments any time that a crime reported to them stands as a possible immediate threat to the Brookdale Community. For instance, if a member of the public is robbed on a sidewalk that is within Brookdale's geography, and the subject that committed the act is still 'at large,' they are asked to promptly contact BCC/the MCSO to provide BCC with the information so BCC can send out a Timely Warning. The letters sent by the Clery Coordinator contain the federal/'Clery definition' of each serious crime so the law enforcement agencies understand what crime information is needed.

The TWs will be distributed to the Brookdale community by means of 'Broadcast Email' messages. Text messages, voice over phone messages, desktop computers alerts, broadcast emails, social media posts and website postings may also be employed to inform and update the community, as appropriate for the

particular emergency. Updates to the BCC community about any Timely Warning incident may be distributed via the same electronic means as the original Timely Warnings.

The process will initiate when information about the crime, its location, and other specifics needed is conveyed by the appropriate law enforcement entity to BCC College Relations [CR]/BCC College President. CR and the President will use that information to subsequently determine the content of the message, and then, without delay, authorize/send out the message to the segment of the population that they believe needs to receive the notification and follow-up information. An exception to this section would be that a message may not be sent out if it is believed that sending a TW may compromise safety of anyone in the community, exacerbate the threat/prevent immediate apprehension of the perpetrator.

When deemed necessary, Crime Alert posters may also be posted by the MCSO in campus buildings or outside the MCSO office on the Lincroft campus. When Crime Alerts are posted in campus/regional location buildings, they are posted in a discernible/conspicuous way in the lobby/entrance area of the affected building(s).

It is noted that this Annual Security Report [ASR] documents crimes that were **REPORTED** to have occurred on/around Brookdale's properties, **not** those that were **proven** to have occurred. Likewise, Timely Warnings will be issued for crimes that were reported and remain a serious and ongoing threat to the community, **not** those that have been proven to have occurred.

Since the criteria for a Timely Warning only includes certain crimes that present a serious and ongoing threat to the community, not all reported crimes within these categories will necessitate the issuance of a Timely Warning. Only Clery crimes may necessitate the issuance of a TW, unless the College deems a notification for a 'Non-Clery crime' is necessary [eg a burglary of a parked vehicle]. The incidents and need for a Timely Warning are assessed on a case-by-case basis by the MCSO/College President [and by the Brookdale Chief of Police in 2022], and depending on the facts of the case and the information known by the MCSO/BCCPD. For example, if an assault occurs between two students who had a disagreement, or if an arrest has been made for a robbery, there is likely no on-going threat of a Clery crime to other BCC community members, and thus, a Timely Warning/Crime Alert would not be distributed.

## **Emergency Notifications-Immediate/Ongoing Threats to Health/Safety**

"Emergency Notifications" is the term for emergency messages that are sent out by the College when there has been confirmation that an emergency or dangerous situation exists and presents itself as an immediate threat to the health or safety of the community at a particular Brookdale property, or in a particular portion of a property.

If the responding MCSO/BCCPD/College confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety to some or all members of the BCC community, the BCC College Relations Department/College President/designee will receive the relevant information from the applicable law enforcement agency, use that information to determine message content, and then, without delay, authorize the issuance of/send out an Emergency Notification message, provided that sending such a message would not mitigate the response or exacerbate the threat to the community.

Depending upon the type of emergency, notification channels may include emergency broadcast emails, text messages, voice/phone messages over Brookdale's internal phones, desktop alerts, social media posts and website postings, as appropriate for the particular emergency. If the circumstances dictate the need, the Monmouth County Sheriff's Office, BCC/contracted Security Officers or other employees may make notification in person, via foot or via vehicle patrols.



Unlike Timely Warnings, Emergency Notifications can be made for reasons other than crimes, like a fire/concern, an approaching tornado, or another manmade or naturally hazardous condition. There may be occasions where a situation can be classified as both an ongoing criminal threat and an immediate threat to the health/safety of the community, and in those cases, only one message will be sent out.

The College will provide updates during a critical incident via Broadcast Emails, and as appropriate, via other emergency messaging channels. Individuals may be advised to call a BCC recorded information telephone line for updates.

BCC community members are encouraged to immediately notify BCCPD of any situation or incident on campus that involves a significant emergency or dangerous/suspicious situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

## **Emergency Drills**

The College conducts numerous announced and unannounced emergency response drills/exercises each Fall and Spring semester, which may include evacuation drills, lockdown drills, shelter-in-place drills, tabletop or field exercises, and/or tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Drills are typically executed within the first 10 days of each semester to ensure that students and employees understand protocols at the onset of classes. Evacuation drills and testing of the emergency notification system are the priority, but students and employees are educated on the protocols of each type of emergency action, including but not limited to, how they will receive emergency messages/alarms, the principles of 'Run, Hide, Fight,' the layout/emergency exits of the buildings they occupy. Alarm systems, door locks, phone and computer messaging, personnel and more are all tested/evaluated during each drill. Drills are conducted at each Brookdale property, and are alternated between early and later times of the day/evening. Effort is made to try and conduct drills during periods of highest building/campus population, so as to fully test capabilities. All drills in 2022, and January, 2023 were executed and evaluated by Brookdale Police Department, including tests of the emergency notification systems. The evaluations have been captured on a 'Drill Assessment Report' form, and those forms are used to identify and remedy shortcomings in structural equipment, protocols, training, and/or student/employee performance. An evacuation drill is conducted at every BCC building, at least once per year.

## **Education of Members of the College Community**

Campus security and fire safety procedures are discussed during new student orientation and new employee orientation. The BCCPD [and now the MCSO], the Vice President of Student Affairs Office, Director of Student Conduct and Compliance, Human Resources, and other departments participate in forums, meetings, and programs to address students and to explain College security, public safety, and

fire safety measures and procedures at BCC. Members of MCSO/College administration and/or the BCC Director, Security and Public Safety conduct crime/sexual assault prevention, general security and safety awareness presentations/speeches for students and employees, when requested by BCC departments or student groups. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at BCC; fire safety information; information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus. In addition, the BCCPD previously organized and set up crime prevention and education display tables which were staffed by a police officer[s] inside the BCC 'Student Life Center'/Lincroft at different times throughout the year. This activity provides an opportunity to meet the community, hand out safety-related information, and to answer individual questions. New employee and new student orientation sessions include the distribution of crime prevention materials and/or question and answer sessions.

## **Crime Prevention and Personal Safety Tips:**

The community is safest when all work towards creating and maintaining a safe environment. Below are some items that people can do to help keep themselves safe.

1. Report all suspicious activity to MCSO Sheriff's Department or to Security Officers immediately.
2. Report Student Conduct issues via the Brookdale website: [Incident Reporting Form \(maxient.com\)](http://maxient.com)
3. Complete 'Student of Concern' Incident Reports via the BCC website, if you have concerns about a student's behavior/words. The link is [Reporting Student Incidents - Brookdale Community College \(brookdaleecc.edu\)](http://brookdaleecc.edu).
4. Receive, read and follow all emergency Rave/Informacast messages.
5. Never take personal safety for granted. Anyone is a potential victim of a crime.
6. Try to avoid walking alone at night. Always be aware of your surroundings, employing situational awareness.
7. Always lock your vehicle's doors and close all vehicle windows, when unattended. Keep valuables in the trunk, where they cannot be seen.
8. **DO NOT leave the key fob inside of your unattended vehicle**, as this dramatically increases the chance of a motor vehicle theft.
9. Read and adhere to the information that is contained in any Timely Warning or Emergency Notification. The directions and suggestions therein can help keep you safe.
10. Possession of alcoholic beverages or illegal/disallowed drugs is prohibited on campus. In general, avoid the use of alcohol or drugs. Persons under the influence are more likely to be the victims of a serious crime or accident. Despite being legalized in the State of New Jersey, **marijuana/derivatives is prohibited on College grounds.**
11. Carry only small amounts of cash.
12. Never leave valuables (wallets, purses, books, book bags, calculators, etc.) unattended.
13. Lock up bicycles and motorcycles in the appropriate location.
14. Be aware of the wildlife in the area. Numerous animals are indigenous to the area of Brookdale's properties, especially Lincroft, which is surrounded by wooded areas. If you see an animal that seems to be ill or dangerous, call the Monmouth County Sheriff's Office at either 732-224-2222 for a non-emergency, or at 9-1-1, if a possible emergency exists.
15. Engrave serial numbers or owner's recognized numbers, on items of value.

## **Campus Security Authorities**

Campus Security Authorities [CSAs] are individuals who, because of their job function, have a responsibility [under 34 CFR 668.46 (a)(iv), 34 CFR 106.30 (a), and 20 U.S.C. Section 1092 (f)] to notify the College of alleged 'Clery Crimes' that they witnessed, learned about, or had reported to them by a person acting in good faith. Their reporting of these crimes ensures that those crimes are accounted for statistically on the

Brookdale Crime Logs, in their annual statistics, and that any needed emergency messaging/Timely Warnings are sent out to help prevent future similar incidents. These CSAs are typically people who have significant responsibility for students and campus activities, including but not limited to Student Activities, Athletics, International Department, Student Conduct, Advising, Student Housing, Student Discipline, and Campus Judicial Proceedings. Brookdale CSAs included Brookdale Community College Police Officers [in 2022 and in previous years], BCC and contracted Security Officers, and now includes the MCSO officers [starting in March, 2023 and beyond], The titles of employees that are currently designated as BCC's CSA include, but are not limited to:

- Monmouth County Sheriff's Officers/Administrators on BCC
- Brookdale Community College Police Officers in 2022-2023
- BCC-employed Security Officers
- Contracted ['Allied'] Security Officers
- BCC Public Safety Director
- AVP, Human Resources
- VP, Student Affairs
- Executive Director, Student Services
- Title IX Investigators, Coordinator and Deputy Coordinator
- Admissions administrators
- Athletics administrators and coaches
- Trip Group Leaders
- Director, Student Life and Activities
- Advisors to student groups
- VP, Academic Affairs
- All Deans
- AVP, Edu Access and Innovation
- Director, One Stop
- Dean, CPS
- Associate Directors of the Regional Locations
- Director, Workforce Training
- Director, Student Conduct and Compliance
- Victim advocates and social workers at BCC
- Director of the Wellness Center
- Advisors/Liaisons to BCC Sorority and Fraternity organizations

CSA's can make report of such crimes by utilizing the '**Brookdale Community College Campus Security Authority Jeanne Clery Act Incident Report Form**', which can be found at [CSA Incident Report Form September 2023.pdf \(brookdalecc.edu\)](#)

## **Pastoral and Professional Counselors**

Pastoral and professional counselors are exempt from reporting on incidents that they become aware of. Pastoral counselors are employees of an institution who are recognized by a religious order/denomination, who provides confidential counseling sessions, and who is functioning within that scope of a counselor. A professional counselor is an employee of an institution whose job duties include providing counseling, and who is functioning within the scope of his/her license or certification. Pastoral and professional counselors at institutions are encouraged to inform those who they counsel of the procedures to report crimes on a confidential, voluntary basis, so that the statistics can be counted in an institution's disclosure of statistics. Brookdale Community College does not currently employ any pastoral counselors, and as such, has no policy on pastoral counselors.

## **How to Report A Crime/Incident - Procedures**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to MCSO officer or any Campus Security Authority in a timely manner.

Crimes should be reported to the MCSO or any Campus Security Authority [CSA] to ensure inclusion in the annual crime statistics and to aid the College in providing 'Timely Warning' notices to the community, when appropriate. For example, a crime that was reported only to the Rape Crisis Center would not be included in the BCC crime statistics. The College would also not be able to assess if a Timely warning needs to go out to the community, to possibly prevent future similar incidents. In order to be counted or assessed for a Timely Warning message, incidents need to be reported to a CSA or law enforcement.

This publication focuses on BCCPD/MCSO because they have had responsibility for patrolling the Lincroft Campus. However, Security Officers should be contacted when incidents, emergencies, or crimes occur at the regional locations.

**To report an emergency at any Brookdale location**, call 9-1-1 from any Brookdale internal phone or cell phone. You can also press the button on any of the 'blue light' call tower or internal emergency phones on the campuses to be placed in automatic contact with a police dispatcher.

Brookdale Regulations 2.1001R and 3.9003R provide further details on how to report crimes to law enforcement and others.

**To report a non-emergent matter**, you can call one of the following phone numbers. You may also make a report in person at any of the Security Officer Desks at the regional locations. Each Security Desk/Office is just inside of each building's main entrance doors. In Lincroft, you can make a report in person at the MCSO-Brookdale office, which is located off of Campus Dr and Parking Lot 5, in the BAC building/in the middle of the Lincroft campus.

### **Monmouth County Sheriff's Office at Brookdale Community College**

#### **Lincroft**

In-house campus phones... .....x 2222

Via Other phones..... (732) 224-2222

### **Brookdale Security Offices at BCC's Regional Locations:**

**Long Branch**

In-house campus phones.....x1514  
Via other phones..... (732)229-8440 ext. #1

**Wall**

In-house campus phones.....x 6001  
Via other phones..... (732) 280-7090 ext. #1

**Neptune**

In-house phones..... x1226  
Via other phones..... (732) 774-3363 ext. #1

**Freehold**

In-house phones.....x7000  
Via other phones..... (732) 625-7000

**Hazlet** – [Permanently Closed, starting in 2023]

In-house phones .....x4004  
Via Other phones.....(732) 739-6012

The **Brookdale Director, Security and Public Safety** directly oversees all security officer/regional location activities and can be reached at (732)-224-2351. The Director, Security and Public Safety is located on the 2<sup>nd</sup> floor of the BAC building, Lincroft campus.

**Confidential Crime Reporting Procedures**

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, an MCSO officer or an official from the Office of Student Judicial Affairs can file a report on the details of the incident, usually without revealing your identity. If your identify has to be revealed, they will advise you of that. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors, determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

**Anonymous Crime Reporting Line/Monmouth County Crimestoppers**

In 2022 and prior to 2022, the BCCPD operated an anonymous reporting/recorded line to allow people to anonymously report security and safety related concerns and to provide the BCCPD with “tips” about criminal incidents or behavior on campus. From an in-house phone, the number to call was x1999 and from outside lines the phone number to call was (732) 224-1999. The TIPS line was monitored daily by the BCCPD.

In 2023, after the Monmouth County Sheriff’s Office merged with the Brookdale Police Department, ‘Monmouth County Crimestoppers’ became the BCC anonymous tips reporting mechanism. Simply go to <https://www.monmouthcountycrimestoppers.com/> to make an anonymous crime report to the MCSO.

## **Clery Crime Definitions**

The following are the definitions of the reportable “Clery Crimes.’ These definitions are provided per the definitions in the ‘National Incident-Based Reporting System’ [NIBRs], Summary Reporting System/Uniform Crime Reporting System [SRS-UCR], and Section 40002(a) of the Violence Against Women Act [VAWA] of 1994/42 U.S.C. 13925 (a), all as prescribed in 34 C.F.R. 668.46 (c) (9).

- Note: There are N.J. **State definitions** presented later in this document to [pgs 35-39, as noted]. Those **state definitions** are pertinent to the individual but are not used to classify crime statistics in the Annual Security Report. The federal crime definitions on the preceding pages are used to classify ASR crime statistics.

For the Brookdale PD, through 2022, the Brookdale Chief of Police/designee reviewed, or caused to be reviewed, the classification of each and every call for service/Incident Report that occurs within Brookdale’s geography, to ensure that all crimes on the campus were properly accounted for and categorized. Starting in 2023, the MCSO /Brookdale Clery Coordinator assumed the same responsibility. The former Brookdale Chief of Police is Brookdale’s 2023 Clery Coordinator and he uses the following Clery definitions to properly classify and count Brookdale’s reported crimes/incidents. The Clery Coordinator also works with the Brookdale MCSO Sergeant to create and update the Brookdale Crime Logs and Crime Ledgers. The Crime Logs are used to record each crime [Clery and Non-Clery crimes] that reportedly occurred within Brookdale’s geography. Crime Ledgers are used when reported crimes are assigned to a particular officer/the MCSO Detective Bureau for follow-up investigation.

**Murder-Non-Negligent Homicide-** The willful [non-negligent] killing of one human by another.

**Negligent Manslaughter-** The killing of another person through gross negligence.

**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 capacity.

**Incest-** Non-forcible sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape-** Non-forcible sexual intercourse with a person who is under the N.J. statutory age of consent. [N.J.S.A. 2C:14-2].

**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.

**Burglary-** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes all offenses where force is and is not used.

**Aggravated Assault-** The unlawful attack by one person upon another for purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Motor Vehicle Theft-** The theft or attempted theft of a motor vehicle, which is defined as self-propelled and not on rails.

**Arson**- Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crime**- When any of the Clery reportable crimes that were motivated/occurred because the victim was intentionally selected because of the offender's bias against the victim, or because the perpetrator perceived the victim to be part of one of the protected group categories [race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity]. Clery also specifies that the college count/report on larceny/thefts, simple assaults, intimidation, and vandalism/destruction of property cases, if the facts show that they were motivated by one of the bias categories.

**Larceny/Theft**- The unlawful taking, carrying, leading, or riding away of property from the possession or 'constructive possession' of another. Larceny is reported when it is a hate crime.

**Simple Assault**- An unlawful physical attack by one person on another when 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. Simple assault is reported when the assault is also a hate crime.

**Intimidation**- To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to an actual attack. Intimidation is reported when it is a hate crime.

**Vandalism/Destruction of Property**- To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property. Vandalism/destruction incidents are reported when they are hate crimes.

**Liquor Law Violations**- Violations of State or local laws/ordinances and/or the Student Code of Conduct prohibiting the manufacture, sale, purchase, transporting, possession, furnishing, or use of alcoholic beverages, and all attempts to commit. Does not including driving under the influence and drunkenness,

**Drug Law Violations**- Violation of laws/Student Code of Conduct prohibiting the possession, sale, production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

**Weapons Law Violations**- The violation of State or local laws or ordinances and/or Student Code of Conduct prohibiting the manufacture, sale, purchase, transportation, possession, concealment, use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons, and all attempts.

**Domestic Violence**- A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

**Dating Violence**- Felony or misdemeanor violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- 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 cohabitating with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

**Stalking-** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

## **Procedures for Collection of Crime Statistics**

In order to account for all crime statistics that occurred on Brookdale properties, crime statistics need to be collected from all of the following sources: the Brookdale Community College Police Department (BCCPD) in 2022, the Monmouth County Sheriff's Office [starting with 2023 statistics], the Middletown Township Police Department, the Hazlet Police Department, the Long Branch Police Department, the Wall Police Department, the Neptune Township Police Department, the Freehold Township Police Department, and administrative personnel/Campus Security Authorities [CSA's] from within Brookdale Community College. For statistical purposes, crime statistics reported by any of these sources are recorded in the calendar year the crime was reported.

Written letters are mailed each year to each of the law enforcement agencies listed above, requesting that they forward the statistics of all Clery crimes that were reported to their department in the previous calendar year, that occurred with Brookdale's reporting geography, to the Brookdale Clery Coordinator. The letter includes Clery crime and geography definitions, an explanation on how to count the crimes/incidents, and other relevant information about the Clery law. The Clery law requires Brookdale to make a good faith attempt to attain all such crime data from each of these entities.

CSAs are able to either directly notify the applicable law enforcement agency about a reported crime or make a report via the '**Brookdale Community College Campus Security Authority Jeanne Clery Act Incident Report Form [CSAIRF]**' [See link on page 18]. The Clery Coordinator and the Director, Security and Public Safety will both receive all such completed forms via email, and the Clery Coordinator will employ a collection process to ensure that all data is recorded, but not double-counted. The Clery Coordinator has access to the MCSO's Computer-aided Dispatch system [CAD], and will use that resource, the submitted BCC CSAIRFs, and verbal and written communications with officers, CSAs, outside law enforcement and BCC Title IX, Student Conduct and other BCC personnel to ensure all crime reports have been received and are properly counted.



## Clery Geography Definitions from the Clery Act

The Jeanne Clery Act requires institutions of higher education to collect and count all crimes/incidents that occurred within that institution's 'geography.' Clery defines geography with the following definitions:

**On-Campus-Defined as:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building Or Property-Defined as:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property-Defined as by CFR 668.46 as :** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. [The BCC crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.] *Defined by U.S. 20, 1092:* All property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of. Or in a manner related to, the institution's educational purpose.

Per CFR 668.46: Clery geography also includes 'areas within the patrol jurisdiction of the campus police or the campus security department.' The patrol area of Brookdale Police/MC Sheriff's/Security Officers is that which makes up the Brookdale geography at each location.

The definition of a 'separate campus'...for Clery reporting purposes...is a location that

- The institution owns or controls
- That is not reasonably geographically contiguous with the main campus,
- That has an 'organized program of study', and
- Has at least one person on site acting in an administrative capacity

Per criteria established by the U.S. Department of Education, Clery Act crimes that occur on a remote learning/online platform may or may not be counted in the College's annual statistics based upon the location of the victim and/or perpetrator.

Crime statistics are reported to the U.S. Department of Education via an online portal, and when published in the Brookdale ASR, the stats will be broken down into the 'On-Campus, 'Non-Campus, and 'Public Property' groups.

## **Reporting/Explanation Of Crimes Reported in ASR**

After all of the crime statistics are gathered, compiled, they are reported to the College community via this brochure/Annual Security Report, which is published by the MCSO [starting in 2023]. The MCSO also submits the annual crime statistics [as published in this ASR] to the Department of Education (ED) via an online reporting system. The statistical information gathered by the Department of Education is available to the public through the ED website.

BCC will notify the Brookdale community on an annual basis about the availability of the brochure via a Broadcast Email to all current students and employees. This email includes a brief summary of the contents of the brochure in addition to the website address where the brochure can be found on the Brookdale website. Information will also be provided on how to locate/attain a hard copy of the Annual Security Report.

### **Off-Campus Crime**

If another police department is made aware about criminal activity that occurred off-campus and that involved BCC students, that police department may elect to notify the MCSO. Students in these cases may be subject to arrest by that other police department and/or to Brookdale's Student Conduct and Judicial proceedings.

### **Unfounded Crimes**

Per the Clery law, an institution may remove/not include a reported crime in its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a formal determination that the reported crime is false or baseless, and therefore, 'unfounded.' In 2022 and prior, the Brookdale Community College Police Department made such determinations about crimes upon the Brookdale Lincroft campus. Starting with the March, 2023 Lincroft calls for service, the MCSO will make such determinations. At the Brookdale regional locations, the municipal police departments that receive/respond to reported crimes at those centers will do the investigative work to make determinations about the validity of those calls received. The Brookdale Clery Coordinator, in the annual letters that he sends out to the local police departments, asks that those departments disclose any unfounded crimes when they respond to the letter with their annual crime report data..

The College chooses to list unfounded crimes on its Crime Logs/Ledgers, and will include that information [for each of the past three calendar years] in its ASR.

### **Statistical Disclosure of Clery Crimes/Reported Incidents**

'Clery crimes' reported to the MCSO/BCCPD/CSAs in 2020, 2021, and 2022 will be reported to the United States Department of Education via an online portal. The following tables demonstrate all of those reported crimes. Per law, the crimes are divided up based upon campus and 'Clery geography' [On-campus, Non-Campus, Public Property].

Brookdale Community College  
**Lincroft Campus Crime Statistics**  
765 Newman Springs Rd., Lincroft, N.J., 07738

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Negligent Manslaughter	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Rape	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Fondling	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Incest	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Statutory Rape	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Robbery	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Burglary	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Aggravated Assault	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Motor Vehicle Theft	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Arson	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Reported Hate Crimes</b>												
Hate Crimes *	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Drug Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Weapons Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Drug Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Weapons Law Violations	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Dating Violence	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Stalking	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

- The Hate Crime listed in 2022 on the Lincroft campus was for a reported incident of 'Intimidation,' as motivated by Religion.
- In 2022, there were three [3] Unfounded 'Non-Clery' crimes [for Larceny, Disorderly Person, and a Vehicle Burglary.] There was [1] Unfounded 'Non-Clery crime [for Larceny] in 2021, as well, but [0] Unfounded crimes on the Lincroft campus in 2020.

**Brookdale Community College**  
**Freehold Location Crime Statistics**  
**3680 US Rt 9, Freehold, N.J., 07728**

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes</b>												
Hate Crimes *	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

- There were no reported Hate Crimes in 2020, 2021, or 2022 on the Freehold location.
- There were no Unfounded crimes in 2020, 2021, or 2022 on the Freehold location.

**Brookdale Community College**  
**Long Branch Location Crime Statistics**  
**213 Broadway, Long Branch, N.J., 07740**

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	2	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	2	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes</b>												
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	0	0	1	0	0	0	1	0	0	0	3	0
Drug Law Violations	0	0	1	0	0	0	1	0	0	0	3	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	2	0
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

- There were no reported Hate Crimes on the Long Branch location in 2020, 2021, or 2022.
- There were no Unfounded crimes in 2020, 2021, or 2022 on the Long Branch location.

**Brookdale Community College**  
**Wall Location Crime Statistics**  
**800 Monmouth Blvd., Wall, N.J., 07719**

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes</b>												
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

- There were no Hate Crimes reported on the Wall location in 2020, 2021, or 2022.
- There were no Unfounded crimes in 2020, 2021, or 2022 on the Wall location.

Brookdale Community College  
**Neptune Location Crime Statistics**  
 60 Neptune Blvd, Neptune Township, N.J., 07753

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes</b>												
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

- There were no reported Hate Crimes on the Neptune location in 2020, 2021, or 2022.
- There were no Unfounded crimes in 2020, 2021, or 2022 on the Neptune location.

**Brookdale Community College**  
**Hazlet Location Crime Statistics**  
**1 Crown Plaza Hazlet, N.J., 07730**

Crime/Incident Reported	2022	2022	2022	2022	2021	2021	2021	2021	2020	2020	2020	2020
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes</b>												
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Arrests</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor, Drug, Weapons Law Violations- Referrals</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Reported 'Violence Against Women' [VAWA] Law Incidents</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

- There were no reported Hate Crimes on the Hazlet location in 2020, 2021, or 2022.
- There were no Unfounded crimes in 2020, 2021, or 2022 on the Hazlet location.



**Brookdale Community College**  
**Asbury Park Culinary Center Crime Statistics**  
**101 Drury Lane, Asbury Park, N.J., 07712**

Crime/Incident Reported	2022				2021				2020			
	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded	On-Campus	Non-Campus	Public Property	Un-Founded
<u>Murder/Non-Negligent Manslaughter</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Negligent Manslaughter</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>R-ape</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Fondling</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Incest</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Statutory Rape</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Robbery</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Burglary</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Aggravated Assault</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Motor Vehicle Theft</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Arson</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<b>Reported Hate Crimes-</b>												
<u>Hate Crimes *</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<b>Reported Liquor Law Violations-</b>												
<u>Liquor Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Drug Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Weapons Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<b>Reported Drug Law Violations-</b>												
<u>Liquor Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Drug Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Weapons Law Violations</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<b>Reported Dating Violence-</b>												
<u>Domestic Violence</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Dating Violence</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0
<u>Stalking</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0

- There were no reported Hate Crimes at the Asbury Park location IN 2020, 2021, or 2022.
- There were no Unfounded crimes at the Asbury Park location in 2020, 2021, or 2022.

## **Sex Offender Registry/ “The Campus Sex Crimes Prevention Act”**

The ‘Campus Sex Crimes Prevention Act’ is a federal law, was enacted on October 28, 2000 [amending the ‘Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the ‘Higher Education Act of 1965,’ the ‘Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,’ and the ‘Family Educational Rights and privacy Act of 1974.’] and made effective October 28, 2002. It requires registered sex offenders [Under New Jersey Code 2C:7-12 to -19] who are students, employed, carrying on a vocation, or volunteering at an institutions of higher education [IHE] to register at the law enforcement agency that has jurisdiction in the community where that IHE/property exists. It also requires the IHEs to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained.

At Brookdale, convicted sex offenders must register with the Monmouth County Sheriff’s Office in their BCC/Lincroft office on the 1st floor of the BAC building, which is off of Campus Dr and Parking Lot #3.

You can access the New Jersey Sex Offender Internet Registry at: [New Jersey Sex Offender Internet Registry | New Jersey State Police \(nj.gov\)](#)

You can access the National Sex Offender Public Website at: <https://www.nsopw.gov>

## **Title IX Regulation Against Sexual Harassment/Misconduct**

### **I. Notice of Non-Discrimination**

Brookdale Community College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. [“Title IX”], and is committed to keeping the College community discrimination free. As such, Brookdale prohibits discrimination on the basis of race, sex, national origin, religion, sexual orientation, gender identity, disability, and any other protected class. Sexual harassment/sexual misconduct may constitute actions that are prohibited by Title IX.

### **II. Purpose of Policy**

Brookdale’s maintains a Policy/Regulation ‘Against Sexual Harassment’ as part of its commitment to full compliance with Title IX, the VAWA and the obligations imposed on all post-secondary institutions under its SaVE Act. The Regulation Against Sexual Harassment [2.1001R] is intended to implement the requirements of these Acts and the implementing regulations promulgated by the United States Department of Education, 34 C.F.R. §668.46.

The SaVE Act seeks to address the violence women face on college campuses and updates the Jeanne Clery Act (Clery Act). Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Regulation 2.1001R focuses primarily on sexual harassment, which includes acts of sexual assault, domestic violence, dating violence, and/or stalking. Sexual harassment is a form of sex discrimination prohibited and defined in Title IX.

If a formal complaint does not meet the criteria to be investigated and addressed under 2.1001R, it may be investigated and addressed under Title VII, and/or as violations of other laws, policies, regulations, or Codes adopted by the College or with which the College must comply. See 3.9002 and 3.9002R – Equal Opportunity and Non-Discrimination and 6.3000 and 6.3000R – Student Conduct for further information.

### **III. Authority**

All applicable legislation including but not limited to the Clery Act, as amended by the VAWA; the Campus SaVE Act; Title IX of the Higher Education Act of 1972, as amended, 34 C.F.R. 106; the Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq.; State of New Jersey, P.L. 1994, Chapter 160, N.J.S.A. 18A:61E-1 et seq.; United States Department of Education regulations, 34 C.F.R. §668.46; New Jersey Sexual Assault Victim's Bill of Rights; and other applicable State or Federal laws and regulations; and the Bylaws of the College Board of Trustees.

#### **IV. Regulation Statement**

Brookdale Community College is committed to providing an institutional environment where all persons may pursue their employment, studies, careers, duties, educational programs and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. It strongly condemns sexual offenses, and will address formal complaints as described in this regulation.

Regulation 2.1001R addresses the prohibition of "sexual harassment" as defined by Title IX. Under Title IX, sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
- Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e. hostile environment);
- Sexual assault, dating violence, domestic violence, or stalking.

Regulation 2.1001R is specific to such sexual harassment that occurs against a person in the United States and within the College's education program or activity, which includes locations, events, or circumstances over which the College exercises substantial control over the accused harasser and the context in which the sexual harassment occurred. This includes off-campus conduct that effectively deprives someone of the College's educational program. This may also extend to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

The College also prohibits sexual harassment outside the scope of Title IX, such as conduct that occurs during a study abroad program, if applicable, or conduct that occurs outside a College education program or activity, as discussed in other policies, including but not limited to the Equal Opportunity and Non-Discrimination Policy and the Student Code of Conduct.

When the College receives a report of sexual harassment, gender-based harassment, discrimination, or sexual misconduct, it will determine whether the report falls within the scope of this policy and the procedures outlined herein, or whether it falls within the scope of another College policy and procedure. Such determinations will be made on a case-by-case basis.

Sexual assaults are serious violations of Title IX and Board of Trustees 'Policy Against Sexual Harassment' [2.1001], and are crimes under state law and punishable by fines and/or imprisonment. In addition, these actions are subject to civil suit for damages.

Employees will receive information about sexual harassment, including sexual assault, dating violence, domestic violence, and stalking during orientation and as part of annual training requirements. Students will receive information about sexual harassment during their first full semester at the College.

Regulation 2.1001R is intended to implement requirements of the Acts noted above, and regulations promulgated by the United States Department of Education, 34 C.F.R. §668.46. Those obligations, as they pertain to incoming students and employees, require that the College promote awareness and prevention methods for quid pro quo and hostile environment sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

## **Title IX Personnel and Contact Information**

BCC's Title IX Coordinator for Students is:

- Vice President, Student Affairs, Dr Yesenia Madas  
MAC building, Lincroft campus, Rm 106, (732) 224-2215 [ymadas@brookdalecc.edu](mailto:ymadas@brookdalecc.edu)

BCC's Deputy Title IX Coordinator for Students is:

- Director, Student Conduct and Compliance, Erin McCarron  
MAC building, Lincroft campus, Rm 109 (732) 224-2253 [emccarron@brookdalecc.edu](mailto:emccarron@brookdalecc.edu)

BCC's Title IX Coordinator for Employees:

- Associate Vice President, Human Resources and Organizational Safety, Patricia Sensi  
BAC building, Lincroft campus, Rm 137, (732) 224-2234 [psensi@brookdalecc.edu](mailto:psensi@brookdalecc.edu)

BCC's Deputy Title IX Coordinator, For Employees

- Manager, Diversity, Equity and Engagement- Currently Vacant  
BAC building, Lincroft, campus

The Title IX Coordinator receives complaints about alleged Title IX violations and is responsible for conducting a fair, timely and complete investigation of all such complaints. The Title IX Coordinator will advise the person reporting the incident about confidentiality, the investigative process and about potential outcomes and assistance options. In addition to the information contained within this Annual Security Report, students and employees can also view the entire College Regulation, 'Title IX Regulation Against Sexual Harassment' via this link: [2.1001R Title IX Regulation Against Sexual Harassment - Brookdale Community College \(brookdalecc.edu\)](#)

## **Definitions Related to Sexual Harassment, Sexual Assault/Dating Violence/Domestic Violence/Stalking**

1. "**Sexual Harassment**" under Title IX means conduct on the basis of sex that satisfies one or more of the following: An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);

- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual contact [1.e.- quid pro quo].
- Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e. hostile environment);
- Sexual assault, dating violence, domestic violence, or stalking as defined below.

2. "**Sexual Assault**" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent. This includes an offense that meets the definition of rape, fondling, incest or statutory rape as used in the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Program More specifically, sexual assault includes intentionally touching, either directly or through clothing, the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against his or her will. Sexual assault includes sexual violence.

### A. New Jersey State Statute on **Sexual Assault**

1. Any conduct proscribed by N.J.S.A. 2C:14-2a (1) through (7), N.J.S.A. 2C:14.2b, N.J.S.A. 2C:14-2c (1) through (4), and N.J.S.A. 2C:14-3a. and b. of the New Jersey Code of Criminal Justice, including any act of sexual contact or penetration performed or perpetrated on one person by another without mutual consent, or with an inability of one party to consent due to age, mental defect or physical incapacitation. In 1979, the terms "rape," "sodomy," and "carnal knowledge" were replaced in the New Jersey Criminal Code with the term "sexual assault." Therefore, these Standards will use the

term “sexual assault” exclusively when referring to the criminal acts as described in Title 2C, Chapter 14.

2. N.J.S.A. 2C:14-2 a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnaping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated. Aggravated sexual assault is a crime of the first degree. b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim. Sexual assault is a crime of the second degree.

**B. New Jersey State Statute on Criminal Sexual Contact:**

N.J.S.A. 2C:14-3. a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through (7). Aggravated criminal sexual contact is a crime of the third degree. b. An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through (4) Criminal sexual contact is a crime of the fourth degree. (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnaping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated. Aggravated sexual assault is a crime of the first degree. b. An actor is guilty of sexual assault if he commit an act of sexual contact with a

victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and:

- (a) The actor is related to the victim by blood or affinity to the third degree; or
- (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim. Sexual assault is a crime of the second degree.

3. **Sexual violence** is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

Sexual Assault, as defined by the National Incident-Based Reporting System Edition of the Uniform Crime Reporting System of the Federal Bureau of Investigation, includes:

- The attempt or act of rape (sexual intercourse without consent or with a child under the age of thirteen, by a stranger, an acquaintance, or an intimate).
- Forced sodomy (forced oral or anal sex) against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- Forced penetration by a foreign object either animate such as a finger, or inanimate.

3. "**Sexual Offenses-Forcible**" means any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

4. "**Sexual Offenses-Non-Forcible**" means any unlawful, non-forcible sexual intercourse (e.g., incest, statutory rape).

5. "**Non-Penetration Sexual Assault**" includes the act of touching an unwilling person's intimate parts such as genitalia, anus, groin, breast, or buttocks, or the clothing covering these parts, or forcing an unwilling person to touch another's intimate parts.

The above acts constitute sexual assault when they are committed against a person's will as evidenced by refusal of consent or through the use of force, threat, manipulation, or intimidation, or against a person who, by virtue of mental incapacity or physical helplessness, is unable to give or withhold "consent" (to give assent, acceptance or approval as to the proposal of another). This includes, but is not limited to, incapacity or helplessness caused by alcohol or other drugs. Intoxication of the assailant shall not diminish the assailant's responsibility for the sexual assault.

6. "**Consent**"

- Consent must be clear, verbal, sober, and affirmative.
- Consent must be obtained for each and every sexual activity to constitute effective consent.
- Consensual activity requires a mutual decision of both Parties without any hint of force, threat, coercion, pressure, fraud, manipulation or fear of injury or loss of safety.
- Consent cannot be given if the victim is asleep, mentally or physically incapacitated due to alcohol and/or other drugs or due to a temporary or permanent mental or physical condition.
- Silence, passivity or the lack of active resistance is not consent.
- Previous sexual activity does not equal current consent.

- Consent to one form of sexual activity does not equal consent to other forms of sexual activity.
- Consent can be withdrawn at any point.

7. **“Hate Crimes”** – A hate crime is any of the Clery reportable crimes herein, including any incidents of theft/larceny, simple assault, intimidation, or destruction/damage/vandalism of property that manifests evidence that the victim was intentionally selected because of the offender’s bias against the victim, or because the perpetrator perceived the victim to be part of one of the protected group categories Under the Clery Act, only the following eight categories of bias are reported: race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. Bias is based upon investigation and the perception of the offender, not the victim.

8. **“Domestic Violence”** includes felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

A. **“Domestic Violence”- New Jersey State Definition /Statute:**

Domestic Violence means the occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1990:

1. Homicide -N.J.S.A. 2C:11-1
2. Assault N.J.S.A. 2C:12-1
3. Terroristic threats N.J.S.A. 2C:12-3
4. Kidnapping N.J.S.A. 2C:13-1
5. Criminal restraint N.J.S.A. 2C:13-2
6. False imprisonment N.J.S.A. 2C:13-3
7. Sexual assault N.J.S.A. 2C:14-2
8. Criminal sexual contact. N.J.S.A. 2C:14-3
9. Lewdness N.J.S.A. 2C:14-4
10. Criminal mischief. N.J.S.A. 2C:17-3
11. Burglary N.J.S.A. 2C:18-2
12. Criminal trespass N.J.S.A. 2C:18-3
13. Harassment N.J.S.A. 2C:33-4
14. Stalking N.J.S.A. 2C:12-10

Victim of Domestic Violence means a person protected by the domestic violence act and includes any person:

1. who is 18 years of age or older, or
2. who is an emancipated minor, and who has been subjected to domestic violence by:
  - a. spouse
  - b. former spouse
  - c. any other person who is a present or former household member, OR
3. who, regardless of age, has been subjected to domestic violence by a person:
  - a. with whom the victim has a child in common, or
  - b. with whom the victim anticipates having a child in common, if one of the parties is pregnant, or
4. who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
  - i. a victim may be below the age of 18.

- ii. the domestic violence assailant must be over the age of 18 or emancipated at the time of the offense.

9. **“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; AND where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

10. **“Stalking”** means a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for her, his, or other’s safety, or
- suffer substantial emotional distress

A stalker need not know his/ her actions are unwanted. Stalking is often a precursor to violence.

- New Jersey State Statute on **Stalking**:
  - 2C:12-10. a. As used in this act:
    - (1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.
    - (2) "Repeatedly" means on two or more occasions.
    - (3) "Emotional distress" means significant mental suffering or distress.
    - (4) "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.
  - A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.
  - A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.
  - a person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.
  - A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.
  - This act shall not apply to conduct which occurs during organized group picketing.

17. **“Incest”** means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

18. **“Statutory rape”** means non-forcible sexual intercourse with a person who is under the statutory age of consent.



19. **Actual Knowledge** means notice of sexual harassment or allegations of sexual harassment to Brookdale's Title IX Coordinator, a Deputy Title IX Coordinator, or any Brookdale official who has authority to institute corrective measures on behalf of the recipient.
20. **Advisor** means the person who guides a Party during the process. An Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses from inside or outside BCC. If from inside the College, the Advisor must be willing and available and without a conflicting role within the College. An Advisor may be engaged by a Party prior to the hearing and is required at the hearing, if any. If either Party does not have an Advisor of their choice at the hearing, an Advisor of the College's choice will be provided for the hearing.
21. **Appeals Hearing Officer** means the person or entity who makes a decision regarding an appeal of a decision by the Hearing Officer.
22. **Authorized Officials** means an official of the College who has the authority to institute corrective measures on behalf of the College.
23. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
24. **Decision Maker,** also referred to as "Hearing Officer" and/or "Hearing Panel," means the person or entity who makes the decision regarding the outcome of a hearing and makes determinations regarding relevancy of questions in cross-examination. May be single person or 3-person Hearing Panel, as determined by Title IX Coordinator.
25. **Emergency Removal** means the removal of students from Brookdale's educational programs or activities as long as there is an individualized safety and risk analysis conducted to determine if an immediate threat to physical health or safety of a student or other individuals.
26. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator or Deputy Coordinator alleging sexual harassment against a Respondent and requesting that Brookdale investigate the allegation of sexual harassment. At Brookdale, a formal complaint can be made electronically or in-person.
27. **Hearing Officer** also referred to as "Decision Maker" and/or "Hearing Panel," means the person or entity who makes the decision regarding the outcome of a hearing and makes determinations regarding relevancy of questions in cross-examination. May be single person or 3-person panel, as determined by Title IX Coordinator.
28. **Hearing Panel** also referred to as "Decision Maker" and/or "Hearing Officer," means the person or entity who makes the decision regarding the outcome of a hearing and makes determinations regarding relevancy of questions in cross-examination. May be single person or 3-person panel, as determined by Title IX Coordinator.
29. **Investigator** means the person who collects statements and other evidence regarding a formal complaint of sexual harassment, and writes a summary report.
30. **Order of Protection** means an official legal document signed by a judge that is filed against a current or former family member or household member or a person of other similar relationship. The order forces that individual to keep at a distance and is intended to prevent his or her abusive behavior toward a student or employee. Also called a restraining order, it is enforceable in court, and can be drafted to meet specific needs as they apply to situations.
31. **Mandated Reporters** means employees who are required to report to a Title IX Coordinator or Deputy Coordinator matters of sexual discrimination reported to them or observed by them. At Brookdale Community College, all employees, with the exception of licensed counselors acting in that professional capacity, are mandated reporters.

32. **“Program or Activity”** includes locations, events or circumstances where Brookdale exercises substantial control over both the Respondent and the context in which the alleged sexual harassment occurs. Title IX responsibility only applies to sexual harassment occurring in a Brookdale “program or activity” in the United States of America.

33. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

34. **“Retaliation”** – Intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s formal or informal complaint or participation in a College investigation or proceedings related to sexual violence or assault. If the College learns of possible retaliation for filing a complaint of sexual misconduct, including threats, intimidation, coercion or discrimination, it will take immediate and appropriate steps to investigate and remedy the action with disciplinary action, if necessary.

35. **“Supportive Measures”** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after filing a formal complaint, or when no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Brookdale’s educational programs or activities without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties, Brookdale’s educational environment, or to deter sexual harassment.

## **What to Do if Sexual Assault Occurs**

### **Actions Immediately After a Sexual Assault:**

If one is sexually assaulted, the survivor should:

- \* Get to a safe place, as soon as possible
- \* Call 9-1-1. Request medical attention, if needed. Inform EMS/care givers that you have been sexually assaulted so appropriate evidentiary safeguards can be exercised.
- \* Try to preserve evidence. As plausible, try to avoid:
  - going to the bathroom,
  - changing/washing clothing,
  - bathing, washing body parts, including brushing teeth/gargling,
  - eating, drinking anything, or smoking,
  - mixing different evidentiary items together. Store in separate paper bags, if possible. It will help preserve evidence and help avoid cross-contamination.
- \* Consider speaking with/reporting the incident to campus law enforcement. The MCSO is on site at Brookdale [24/7/365]. If you do not wish to speak to law enforcement, you can instead choose to report the incident to a Brookdale CSA or Title IX Coordinator. Filing of a report can be anonymous, at the survivor’s request. The College will make every effort to protect the identity of the victim/witness.
- \* If you allow it, the Monmouth County ‘Sexual Assault Response Team’ [SART] to respond to you, they can meet you at the hospital. Through the SART, you can receive a forensic examination via a Sexual Assault Nurse Examiner [SANE] up to [5] days after the incident. After [5] days, the SART can still speak with a Confidential Sexual Violence Advocate [CSVA]. The SART is available to be activated and respond to a survivor 24/7, and can provide critical medical care, emotional support, information, and the ability to collect sexual assault evidence.
- \* BCC Counseling Department for emotional support
  - \* On-Campus –X2329 from in-house phone or 732-224-2329 from any other phone [M-F, 9a-5p, Fall and Spring semesters].

- Contact a friend, relative, or advocate [eg- “180/Turning Lives Around of Monmouth County”- [180 Turning Lives Around \(180nj.org\)](http://180TurningLivesAround.org) ] to speak with and support you.
- Call the Rape Care Hotline at (888) 264-RAPE or (732) 264-RAPE [both toll free].

A survivor may initially think that they will never want to file a criminal complaint, but in allowing statements and evidence to be recorded/preserved, respectively, evidence will be available to support the survivor at a later date and time.

## **The Brookdale Community College Sexual Assault Response System**

If you or someone you know is a victim of sexual assault:

- You have the right to privacy: All information you share about the incident must and will be kept confidential. College officials cannot talk about your experiences without your permission. College officials will report that an incident occurred to the MCSO. The MCSO has an obligation under the Clery Act to report to the state and other authorities the date of an incident. No other information will be shared without your permission.
- You have the right to make decisions about who can be contacted and if and how any intervention will proceed. You have the option, or not, to notify and seek assistance from law enforcement and campus authorities. You have the option of seeking assistance from any of the services mentioned.
- You have the right to institutional implementation of court-issued No Contact Orders/ Orders of Protection/Restraining Orders.
- You have the right to view the College’s annual Clery Report located on the BCC website.

## **Resources for Medical and Emotional Support/Crisis/Abuse Matters**

Brookdale Community College provides the following information for those in need of medical attention or emotional/crisis treatment. As always, call 9-1-1 if you are in an emergency situation.

### **Medical Treatment Resources**

On-campus/MCSO:

Emergency.....9-1-1  
 Non-emergency ..... (732) 224-2222

Off-campus:

**Bayshore Community Hospital**..... (732) 739-5900  
 727 North Beers Street  
 Holmdel, NJ 07733-1598  
**CentraState Medical Center**..... (732) 431-2000  
 901 West Main Street  
 Freehold, NJ 07728  
**HMH Riverview Medical Center Division**..... (732) 741-2700  
 One Riverview Plaza  
 Red Bank, NJ 07701  
**HMH Jersey Shore Medical Center Division**..... (732) 775-5500  
 1945 Route 33  
 Neptune, NJ 07754  
**Monmouth Medical Center**.....(732) 222-5200  
 300 Second Avenue  
 Long Branch, NJ 07740

## **Emotional Support/Crisis/Abuse Resources**

### **For Students and Employees:**

Brookdale has special arrangements for students and employees with the following “24 hour/7 days a week/365 days per year” emergency resources to call if you are having thoughts of suicide or harming yourself or others.

- For BCC counselors, students can call x2329 from an in-house campus phone. From a cell/outside phone line, call (732) 224-2329 [M-F, 9a-5p, Fall and Spring semesters].
- Employees can call Brookdale’s Employee Assistance Program [E.A.P.] at 1-800-955-6422 [‘Aetna’] 24/7.
- Monmouth Medical Center Psychiatric Emergency Services [P.E.S.S.] @ (732) 923-6999
- ‘2nd Floor Youth Helpline’ – Available to talk with you about any problem, distress, or hardship you are experiencing. Call or text @ **888-222-2228** or visit the website @ **www.2ndfloor.org**
- ‘Uwill’ 24/7/365 Student Crisis Line @ **(833) 646-1526**

For further information, see the Brookdale website’s ‘Crisis and Support’ page: [24/7/365 Crisis & Support Services - Brookdale Community College \(brookdalecc.edu\)](http://www.brookdalecc.edu/24/7/365-Crisis-Support-Services)

### **The following additional resources are provided for the information of the entire Brookdale community. These are outside resources and are not affiliated with Brookdale Community College.**

#### **Suicidal Thoughts/Crisis/Depression:**

- \* **‘988’** is the ‘Suicide and Crisis Lifeline’, providing free and confidential emotional support to people in suicidal crisis or emotional distress. **Call or text** to chat, 24/7, in the U.S. Per their website, they work to empower individuals, advance professional best practices, and build awareness
- \* ‘CONTACT’ of Ocean & Monmouth Counties Crisis Intervention Helpline: 732-240-6100
- \* National Runaway Switchboard/Crisis Intervention: 1-800-621-4000
- \* National Youth Crisis Hotline: 1-800-448-4663
- \* National Postpartum Depression Warmline: 1-800-PPD-MOMS
- \* Depression and Bipolar Support Hotline: 1-800-826-3632
- \* Veterans Crisis Hotline: 1-800-273-8255 x1
- \* NAMISF Crisis Help – For Any Kind of Crisis: 1-800-233-4357

#### **Domestic Abuse:**

- \* Childhelp-National Child Abuse Helpline: 1-800-422-4453
- \* National Domestic Violence Hotline: 1-800-799-SAFE (7233) or TTY 1-800-787-3224
- \* Healing Woman Foundation (Abuse): 1-800-477-4111

#### **Alcohol & Drug Abuse:**

- \* National Association for Children of Addiction: 1-888-55-4COAS (1-888-554-2627)
- \* SAMSHA’s National Hotline: 1-800-662-HELP (4357)
- \* Al-Anon/Alateen: 1-800-344-2666
- \* Be Sober Hotline: 1-800-BE-SOBER (1-800-237-6237)
- \* Cocaine Help Line: 1-800-COCAINE (1-800-262-2463)
- \* 24 Hour Cocaine Support Line: 1-800-992-9239
- \* Ecstasy Addiction: 1-800-468-6933
- \* Marijuana Anonymous: 1-800-766-6779

**Youth & Teen Hotlines:**

- \* National Youth Crisis Support: 1-800-448-4663
- \* Youth America Hotline: 1-877-YOUTHLINE (1-877-968-8454)
- \* Covenant House/NJ youth homeless/trafficking victims; Text 1-844-912-1291 or call 973-621-8705
- \* Center for the Prevention of School Violence: 1-800-299-6504
- \* Girls and Boys Town National: 1-800-448-3000
- \* Teen Helpline: 1-800-400-0900
- \* TeenLine: 1-800-522-8336 [12p-12a]
- \* National Runaway Safeline (All Calls are Confidential): 1-800-786-2929
- \* National Runaway Hotline: (US only) 1-800-231-6946
- \* National Youth Crisis Hotline: (US only) 1-800-442-HOPE

**Pregnancy Hotlines:**

- \* National Maternal Mental Health Hotline [for advise before, during, after pregnancy] 1-833-852-6262
- \* Planned Parenthood: 1-800-230-7526
- \* NJ Family Health Line -1800-328-3838 [for various health issues/pregnancy concerns]

**LGBTQ Hotlines:**

- \* GBLT Youth Support Line/'The Trevor Hotline': 1-800-850-8078
- \* LGBT National Hotline: 1-888-843-4564
- \* Trans Lifeline: 1-877-565-8860

**Other Hotlines:**

- \* Self-injury Support: 1-800-DON'T CUT (1-800-366-8288)
- \* Eating Disorders Association: Text 'NEDA' to '741741' or call 1-800-931-2237
- \* Panic Disorder Information and Support: 1-800-64-PANIC (1-800-647-2642)
- \* Parental Stress Hotline: 1-800-632-8188

**Administrative Services to Assist a Student Complainant or Respondent**

The Vice President, Student Affairs (VPSA) will assist students, including collaborating with MCSO and other departments to provide:

1. Referral to a counselor at the Brookdale Counseling Center (BCC), or referrals to outside provider(s). (Counseling Center)
2. Escort services. (MCSO)
3. Assistance in petitioning for a protection order. The MCSO honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
4. Withdrawal from the College. (VPSA)
5. An on-campus investigation and, if appropriate, initiate on-campus disciplinary procedures. (VPSA)
6. Other referrals as necessary.

**Administrative Services to Assist Faculty or Staff Complainant or Respondent**

The Title IX Coordinator will assist faculty and staff, including collaborating with the MCSO and other departments to provide:

1. Referral to the Employee Assistance Program.
2. Escort services. (MCSO)
3. Assistance in petitioning for a protection order. MCSO honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
4. Conduct an on-campus investigation and, if appropriate, initiate disciplinary/dismissal procedures. (Title IX Coordinator and/or Human Resources)
5. Other referrals as necessary.

## **BCC Counseling/Law Enforcement Assistance for Victims/Survivors**

If a BCC community member becomes the victim of a crime, the BCC Counseling Department offers direct services, assistance and referrals.

The Counseling Department provides assistance to victims/survivors of a crime by assisting them in obtaining the services they need to work through and better understand their options. The Counseling Department works closely with other College offices and other outside agencies to assist the victim in receiving effective, comprehensive services and compassionate responses.

In addition, MCSO/BCCPD officers offer information and guidance to victims when they file a report. Survivors are entitled to victim services regardless of whether they choose to file a police report/request an investigation.

### **New Jersey “Sexual Assault Victims Bill of Rights”**

#### **[P.L. 2019 Chapter 103]**

The State of New Jersey recognizes the following rights for those who are victims of sexual violence:

- (1) To have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of sexual assault, whether or not the crime is reported to law enforcement;
- (2) To be free, to the extent consistent with the New Jersey of United States Constitution, from any suggestion that victims are responsible for the commission of crimes against them or any suggestion that victims are responsible for the commission of crimes against them or any suggestion that victims were contributorily negligent or assumed the risk of being assaulted;
- (3) To be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right and that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;
- (4) When applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic examiner, a confidential sexual violence advocate, and a law enforcement official, as provided in accordance with the Attorney General’s Standards for Providing Services to Victims of Sexual Assault, and the choice to opt into or out of any of the team’s services;
- (5) To be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome [AIDS] or infection with the human immunodeficiency virus [HIV] or any other related virus identified as a probable causative agent of AIDS, and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of a sexual assault suspect for communicable diseases;
- (6) To have forensic medical evidence, if collected, retained for a minimum of five years, and to receive information about the status of the evidence upon request;
- (7) To choose whether to participate in any investigation of the assault;
- (8) To reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;
- (9) To information and assistance in accessing specialized mental health services; protection from further violence; other appropriate community or governmental services, including services provided by the Victims of Crime Compensation Office; and all other assistance available to crime victims under current law;
- (10) To be apprised of the availability and process by which a court may order the taking of testimony from a victim via closed circuit television in accordance with section 1 of P.L. 1985, c.126 [C:2A:84A-32.4] and;
- (11) To be apprised of the availability and process by which to seek protections through a temporary or final protective order under the ‘Sexual Assault Survivor Protection Act of 2015.’ P.L. 2015, c.147 [C:2C:14-13 et seq]. if the victim believes that victim is at risk for re-victimization for further harm by the perpetrator.

## **Reporting of Sexual Harassment Incidents/Filing a Formal Complaint**

A report of sexual harassment may be made verbally or in writing but only a formal complaint signed by a Complainant of alleged sexual harassment, including dating violence, domestic violence, sexual assault, or stalking or signed by the Title IX Coordinator or Deputy Coordinator will initiate the College's investigation and adjudication grievance process. A formal complaint is defined as a written document alleging sexual harassment within an education program or activity of the College, by a Respondent over whom the College has jurisdiction, and requesting initiation of the College's investigation and adjudication process. (see Title IX Complaint Form, Appendix B) A formal complaint may be filed with a Title IX Coordinator or Deputy Coordinator, who are the Authorized Officials for the College. Upon receiving a formal complaint, the Title IX Coordinator or a Deputy Title IX Coordinator will determine the appropriate course of action.

The Complainant and the Respondent shall be entitled to a prompt, fair and impartial process from the initial investigation to the final result. All proceedings will be conducted by officials who do not have a conflict of interest or bias, and who have received training on the issues relating to sexual harassment, how to conduct an investigation, and on the hearing process.

Students who are participating or attempting to participate [eg re-enrolling] in a College program or activity have the right to file a formal complaint. There is no time limit as to when a Complainant must file a complaint by, but the sooner is better to assure that the college is able to offer the maximum amount of remedies/services.

## **Consider Filing A Report with A Law Enforcement Agency**

While the College encourages the alleged victim to report the incident to local or campus law enforcement to access all of the legal protections available, there is NO requirement to do so. Filing a report will not necessarily obligate a victim to prosecute the crime. Reporting the incident can empower the survivor and help prevent similar incidents against others. BCC employees/the MCSO/CSAs can assist the victim in making contact with the proper law enforcement entity.

The Monmouth County Sheriff's Office at Brookdale can be reached by calling 732-224-2222 or from a campus phone at 911. Any outside law enforcement agency can be reached by calling 9-1-1 or by calling the appropriate non-emergency number. The non-emergency phone numbers of the police departments at the BCC regional locations are:

- Neptune Township Police Department- (732) 988-8000
- Freehold Township Police Department- (732) 462-7908
- Asbury Park Police Department- (732) 774-1300
- Long Branch Police Department- (732) 222-1000
- Wall Township Police Department- (732) 449-4500

The MCSO/law enforcement can advise the survivor about the law enforcement process and help document/preserve critical evidence, in case the survivor wishes to pursue charges at a later date.

## **Alternatives to Immediately Filing a Police Report**

1. Report the crime at a later date.
2. Make a complaint to a CSA, Title IX coordinator, or Deputy Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus administrative proceedings, including a 'Student Code of Conduct' or Title IX investigation.
3. Make an anonymous report to the police (a report that notifies the police that an incident occurred, but provides no names or identification).

The complainant does not need to file a police report in order to file an administrative complaint. The complainant may decline to notify campus police and campus authorities.

## Mandatory Reporting/Exemptions

All College employees, including faculty and staff, (full-time, part-time, hourly, and volunteers) with the exception of licensed counselors are considered “Mandatory Reporters.” Mandatory Reporters are **required to report** actual or suspected incidents of sexual harassment to the Title IX Coordinator or Deputy Coordinator.

## Confidentiality/Anonymous Reporting

Counselors are required to adhere to N.J.A.C 13:34-8.3 regarding “Confidentiality” and may be exempt from reporting the crime if functioning within the scope of his/her license or certification. If there is a clear and present danger to the health or safety of the victim and/or others, the counselor has a duty to notify the appropriate College official.

Complainants may want to carefully consider whether they share personally identifiable details with a non-confidential Mandated Reporter, as those details must be shared with the Title IX Coordinator/Deputy Coordinator. Before a person discloses any information to an employee, the employee should explain the reporting obligations and direct the person to privileged or confidential resources should that person wish to maintain confidentiality. The person can still request confidentiality when discussing an incident with an employee, but the employee and the College may not be able to honor that request.

Employees must promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Failure of a Mandated Reporter to report an incident of harassment or discrimination of which they become aware is a violation of Brookdale policy and can be subject to disciplinary action for failure to comply.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- A licensed professional counselor. A Complainant may call 732-224-2329 for an appointment to speak with one of Brookdale’s **licensed** professional counselors [M-F, 9a-5p, Fall and Spring semesters]
- Off campus non-employees, such as:
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Brookdale.

Supportive measures may be offered as the result of such disclosures without formal College action.



## **Actual Knowledge Triggers the Obligation to Respond**

Actual knowledge is notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinators or Deputy Coordinators/Investigators, who are Authorized Officials of the College (those who have authority to institute corrective measures on behalf of the College). Notice to an Authorized Official triggers the College's obligation to respond.

## **Reporting to Authorized Officials**

All employees except licensed Counselors, working in a counseling capacity, are Mandated Reporters and must report to the Title IX Coordinator/Deputy Coordinators/Investigators all relevant details about the alleged sexual harassment including the names of the potential Complainant and Respondent), any Witnesses and other relevant facts, including the date, time and specific location of the alleged incident(s).

The following employees are the College's Authorized Officials. In all cases, the area code is (732).

Vice President, Student Affairs, Dr. Yesenia Madas, MAC Rm 106 (*Title IX Coordinator for Student Matters*) 224-2215

Director, Student Conduct and Compliance, Erin McCarron, MAC Rm 109 (*Deputy Title IX Coordinator/Investigator for Student Matters*) 224-2253

Associate Vice President, Human Resources and Organizational Safety, Patricia Sensi, BAC, Rm 137 (*Title IX Coordinator for Employee Matters*) 224-2234

Manager, Diversity, Inclusion and Compliance, Currently Vacant, (*Deputy Title IX Coordinator/Investigator for Employee Matters*)

The Complainant reporting an incident will be advised by the Title IX Coordinator or Deputy Title IX Coordinator of the right to file, or not to file, a formal complaint. Supportive measures will be provided to both the Complainant and the Respondent whether the complaint is filed or not. If the Complainant wishes to pursue a complaint, the substance and outcome are to remain confidential and will only be shared with the Respondent, Complainant, and those directly involved in the investigation. Any violation of the confidentiality of the substance and/or outcome will be subject to disciplinary action under applicable policies, regulations, and/or procedures.

The College is required under federal law (the Clery Act) to report incidents of sexual misconduct / violence but will not identify any victim in the mandated annual security reporting.

## **Procedures After An Incident of Harassment/Misconduct is Reported**

### **Determining Jurisdiction**

The Title IX Coordinator or a Deputy Title IX Coordinator will determine if this regulation should apply to a formal complaint. The sexual harassment investigation and adjudication process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator or a Deputy Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred within the College's education program or activity; and
4. The alleged conduct, if true, would constitute sexual harassment as defined in Title IX.

If all of the elements are met, the College will investigate the allegations according to the investigation and adjudication process set forth below.

## **Initial Investigation and Determination of Resolution Options**

After receiving a report of an incident, the Title IX Coordinator or a Deputy Title IX Coordinator will complete an initial investigation to determine the course of action under this regulation, which may include:

### **Formal resolution**

This is the default resolution process, which involves an investigation of the allegations of the complaint, a live hearing with examination of witnesses, and a determination by a Hearing Officer\* as to whether there has been a policy violation, as described in more detail below.

\*For ease of reference, the term “Hearing Officer” is used throughout this document to mean “Hearing Officer,” “Decision Maker,” or “Hearing Panel.”

### **Informal resolution**

Except in cases of alleged sexual harassment of a student by a College employee, the Parties may voluntarily waive their right to a formal investigation and adjudication in favor of an informal mediation or similar process pursuant to which the Parties will choose a mutually-agreeable and reasonable remedy. *The College does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under the College’s grievance process. Similarly, the College will never require the Parties in a sexual harassment case to participate in an informal resolution process.*

### **Informal Resolution Process**

After the initiation of a formal complaint of sexual harassment, if all Parties voluntarily consent in writing, the College will assist the Parties in an informal resolution process. An informal resolution process is available at any time prior to reaching a determination regarding responsibility in the investigation and adjudication process, except in cases involving allegations of sexual harassment of a student by a College employee.

Before initiating an informal process, the College will obtain the Parties’ voluntary, written request for and consent to the informal resolution process. The written notice to the Parties will disclose the allegations and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. The notice will also inform the Parties of their right to withdraw from the informal resolution process and resume the investigation and adjudication process with respect to the formal complaint, at any time prior to agreeing to a resolution. If a resolution cannot be reached, the grievance process will proceed.

The informal resolution process will commence in a reasonable and prompt timeframe after consent is received from both the Parties. Upon initiation of the informal process, an impartial facilitator, appointed by the Title IX Coordinator or Deputy Title IX Coordinator will attempt to mediate the dispute through meetings with the Parties. Although face-to-face mediation may be suggested, Parties will never be required to meet directly with one another as part of the informal resolution process.

When sexual harassment allegations have been resolved through informal resolution by mutual consent of the Parties and on a basis that is acceptable to the appointed facilitator in consultation with the Title IX Coordinator or a Deputy Title IX Coordinator, the resolution process shall be considered finally decided and there will be no subsequent process or appeal.

### **Multi-Party Situations**

The institution may consolidate formal complaints alleging sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## **Notice of Allegations**

The Title IX Coordinator or Deputy Title IX Coordinator will draft and provide the Notice of Allegations to any Party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the College receives a formal complaint of the allegations, if there are no extenuating circumstances.

The Parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The College will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or a Deputy Title IX Coordinator may determine that the formal complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any Party to the allegations of sexual harassment identified in the formal complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

## **Notice of Allegation Contents**

The Notice of Allegations will include the following:

1. Notice of the institution's investigation and adjudication process.
2. Notice of the allegations potentially constituting sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the Parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known.
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation and adjudication process.
4. A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney.
5. Respondents will be advised of their rights, as well as the Victim/Complainant. The Respondent's rights include, but are not limited to, confidentiality, interim measures, a No-Contact Order, an advisor, to due process/a fair and prompt investigation, advisement of any Written Determination/sanctions, and to information about appeals.
6. The Victim/Survivor/Complainant has a right [amongst other items] to confidentiality, to a No-Contact Order, an advisor, to file criminal charges, to initiate an administrative investigation, to a fair and prompt investigation, to have interim measures/actions put in place, to have access to various needed resources, to an advisement of the Written Determination/sanctions, and to information about appeals.

## **Ongoing Notice**

If, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Sexual Harassment Policy, the College will notify the Parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

## **Procedures for Dismissal of a Formal Complaint**

### **Mandatory Dismissal**

If any one of the above elements are not met, the Title IX Coordinator or a Deputy Title IX Coordinator will notify the Parties that the formal complaint is being dismissed for the purposes of this regulation by their institutional email accounts or other reasonable means. Each Party may appeal this dismissal using the procedure outlined in “Appeals” below.

### **Discretionary Dismissal**

The Title IX Coordinator or a Deputy Title IX Coordinator may dismiss a formal complaint brought under this policy, or any specific allegations raised within that formal complaint, at any time during the investigation or hearing, if:

1. A Complainant notifies the Title IX Coordinator or a Deputy Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or any allegations raised in the formal complaint;
2. The Respondent is no longer enrolled or employed by the College; or
3. If specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

Any Party may appeal a dismissal determination using the process set forth in “Appeals” below.

### **Notice of Dismissal**

Upon reaching a decision that the formal complaint will be dismissed, the Title IX Coordinator will promptly notify the Complainant and the Respondent of the dismissal of the formal complaint or any specific allegation within the formal complaint, and the reason for the dismissal, simultaneously, in writing.

Even if the Title IX Coordinator or a Deputy Title IX Coordinator determines that a formal investigation is not warranted under this regulation, action may be taken under other policies, regulations, or College procedures. This information will be provided in the Notice of Dismissal of a Complaint under this regulation.

### **Appeal Regarding the Determination of Action on a Formal Complaint**

A panel of three Title IX Coordinators/Deputy Coordinators will determine if an appeal regarding the determination of action on a formal complaint has grounds. If there are not 3 Title IX Coordinators/Deputy Coordinators, the President will supplement the panel from the College’s leadership team.

## **Interim/Supportive Measures for Complainants and Respondents**

Whatever the outcome of the hearing process, a Complainant or Respondent may request ongoing or additional reasonably available 'supportive measures' [see definition, pg 41] designed to restore or preserve equal access to the College's educational program or activities, including measures designed to protect the safety of all Parties or the College's educational environment or deter sexual harassment.

The College will determine whether such measures are appropriate. Potential supportive measures include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Mutual restrictions on contact between the Parties
- Leave of absence
- Providing an escort for the Party
- Changing the Party's academic schedule
- Adjusting the Party's work schedule
- Allowing the Party to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class
  
- For Employees-Administrative Leave
  - The College retains the authority to place a non-student employee Respondent on administrative leave during the sexual harassment investigation and adjudication process, consistent with Policy 3.9009.

## **Investigation/Resolution Process of Sexual Misconduct-Harassment/Formal Complaints**

### **Duties of All Participants**

1. Duty of Honesty – All Parties and Witnesses are obligated to be completely honest during the course of the entire process set forth in this policy. Any person who knowingly makes a false statement — either explicitly or by omission — in connection with any part of the process may be subject to separate College disciplinary action.
2. Duty of Cooperation – All Parties and Witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this regulation. All participants in the investigation are expected to provide complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provide in the course of an investigation. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under this policy may be subject to separate College disciplinary action.
3. Duty of Confidentiality – All Witnesses are obligated to maintain the confidentiality of all information and materials they become aware of or possess as a result of their participation in the investigation or adjudication procedures set forth in this policy. Parties are expected to maintain the confidentiality of all information and materials, to the fullest extent possible. However, Parties may share confidential information as necessary to gather and present relevant evidence during the investigation and adjudication process. The Duty of Confidentiality continues beyond the conclusion of the case.

## Investigation

If a case is not dismissed by the College, an investigation will commence. The investigation will be completed by an impartial, trained individual who is not serving as the Title IX Coordinator or the Hearing Officer. The Investigator will meet with both the Complainant and Respondent, who may have Advisors present for the investigation. Advisors may provide guidance, support, or advice to the Complainant or Respondent privately but, with the exception of the examination of Witnesses during a live hearing, may not act as speaking advocates at a meeting or proceeding.

The Investigator will also meet with any relevant Witnesses identified, and collect any and all relevant exculpatory and inculpatory evidence. Once the preliminary investigation is completed, the Investigator will provide the Complainant, Respondent and their Advisors, if any, with an initial investigation report for review. Parties are expected to maintain the privacy of this document and may not distribute the document. Unauthorized distribution of this document may result in referral to the appropriate office for disciplinary action.

The Parties may respond to discrepancies or concerns and/or provide additional documentary evidence, requests for additional steps in the investigation, names of additional Witnesses, or any other information they deem relevant to the Investigator, up to five (5) pages, within five (5) calendar days after the preliminary report is made available for review. The Title IX Coordinator or designee may, in their discretion, waive or adjust the page or time limit for the feedback.

In the event new, relevant information is provided or identified by one of the Parties after their review of the preliminary report, the relevant information will be incorporated into the preliminary report and the Parties will be provided a second and final opportunity to review and provide feedback **regarding the new information** before the Investigator proceeds with finalizing the report. The Parties may submit up to three (3) pages of feedback **regarding new information** within five (5) calendar days after it is made available for review.

The Investigator will then review those responses and write a final summary investigation report, which will be provided to all Parties and their Advisors at least ten days prior to the live hearing. The final report will be used in the live hearing.

All Respondents are considered not responsible for a violation of the regulation unless they are found responsible using the process detailed below. In the event a Respondent who has been notified of an investigation and fails to cooperate with the Investigator, the investigation and/or adjudication may proceed, a finding reached, and a sanction imposed based solely on the other information available.

A student or employee may request from the Title IX Coordinator/Deputy Coordinator a "College No Contact Order," which is enforceable, if violated, under College policy. In the event of a crime or for obtaining and/or enforcing a judicial No-Contact Order or an Order of Protection/Restraining Order, individuals are encouraged to contact the Monmouth County Sheriff's Office (MCSO). The MCSO will determine the proper jurisdiction/police department for handling of any reported offense, and the MCSO can assist any victim by getting them in contact with the appropriate authority.

## Live Hearing

If the case is not dismissed by the College, and the Parties do not request and/or consent to Informal Resolution, the College will convene a live hearing following completion of the investigation. At least 10 days shall be given to the Parties to review the final investigation report and to prepare for the hearing. The Parties are required to have Advisors at the live hearing. If the Parties do not have Advisors of their choice for the hearing, Advisors of the College's choice will be provided at no cost to the Parties. The hearing will be led either by a person designated as the Hearing Officer or by a Hearing Panel. The hearing must be live and must include the opportunity for Advisors to cross examine the Parties and Witnesses. If the Parties are in separate rooms, the hearing must provide live audio and video for all Parties. Advisors are not required to be, but may be, attorneys. The Hearing Officer has the responsibility

of determining whether the Respondent is responsible or not responsible for a Title IX violation based on the investigative report and the information presented during the hearing. If the Respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The Title IX Coordinator will designate a single Hearing Officer or a three-member Hearing Panel, at the discretion of the Title IX Coordinator. The single Hearing Officer will Chair the hearing. If a Hearing Panel is designated, one of the three panel members will be appointed as Chair by the Title IX Coordinator.

All Hearing Officers will be trained. In addition to training on how the hearing process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of gender-based misconduct. The Complainant and the Respondent will be informed of the Hearing Officer's identity before the hearing process begins.

## Hearing Procedures

The College will give the Parties at least ten days' advance notice of the hearing after the final investigative report is completed and shared with the Parties. The hearing is a closed proceeding, meaning that no one other than the Hearing Officer, the Complainant and the Respondent, their respective Advisors, Witnesses (when called), and necessary College personnel may be present in the hearing room or rooms during the proceeding. The College will work with other College personnel so that any student whose presence is required may participate in the hearing. Technology may be used to aid in the live hearing process.

In general, hearings will proceed as follows:

- Complainant statement;
- Respondent statement;
- Questions to the Complainant by the Respondent's Advisor;
- Questions to the Respondent by the Complainant's Advisor;
- Witness testimony and questioning by the Hearing Officer and Advisors;
- Closing statement by Complainant, and;
- Closing statement by Respondent.

The Hearing Officer may set reasonable time limits for any part of the hearing. Each of the Parties will have the opportunity to present Witnesses and other information consistent with this regulation. The Hearing Officer will determine procedural issues and the relevance of, place restrictions on, or exclude any Witnesses or information.

If a Party or Witness chooses not to submit to an Advisor's cross-examination at the hearing, either because they do not attend the hearing, or they attend but refuse to participate in questioning, then the Hearing Officer may not rely on any prior statement made by that Party or Witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. Available evidence other than a statement by the Party or Witness may be considered to reach a determination.

If the Party or Witness attends the hearing and answers some cross-examination questions, only the statements related to the cross-examination questions they refuse to answer cannot be relied upon.

The Hearing Officer may not draw any inference solely from a Party's or Witness's absence from the hearing or refusal to answer cross-examination. However, if a Party or Witness refuses to answer a Hearing Officer's questions, the Hearing Officer may rely on that Party or Witness's statement.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Officer may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all Parties through their Advisors, and may draw reasonable inferences from any decision by any Party or Witness not to participate or respond to questions.

## **Additional hearing rules include:**

- **Testimony via Technology.** If a Party or Witness cannot attend the hearing in person, the Party or Witness may request alternative arrangements from the Title IX Coordinator, or other hearing facilitator, at least five (5) business days prior to the hearing. The Title IX Coordinator or hearing facilitator may then arrange for the Party or Witness to participate using technology that allows for remote participation (i.e. Zoom). All Parties will be able to view the other during the entire proceeding, including during cross examination.
- **Questioning.** Only the Hearing Officer and Advisors may ask questions of the Complainant and the Respondent and any Witnesses. The Hearing Officer must permit each Party's Advisor to ask the other Party and any Witnesses all relevant questions and follow-up questions, including questions challenging credibility. The Hearing Officer has the final authority on the relevance of any questions and information submitted for consideration.
- **Hearing Recording.** The College will keep a recording of the hearing for reference, for sanctioning, and for purposes of appeal. Parties may not record the proceedings and no other unauthorized recordings are permitted. The recording of any live hearing will be available to the Parties for inspection and review. The recording will not be copied or otherwise disseminated to the Parties.
- **Cell Phones and Recording Devices.** Cell phones and recording devices may not be used in the hearing room except as noted above.
- **The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious, or abusive.** The Hearing Officer will not consider: 1) incidents not directly related to the alleged violation unless they evidence a pattern; 2) the character of the Parties; 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Hearing Officer has the final determination of whether questions may be asked and whether they are relevant.
- **Information Regarding Romantic or Sexual History.** The Hearing Officer will determine when sexual predisposition or prior sexual behavior is relevant and can be included. If such information is offered by the Complainant or Respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the Parties by itself does not support an inference of consent to alleged gender-based misconduct.
- **Prior Conduct Violations.** The Hearing Officer will not consider the prior conduct violations of the Respondent or Complainant, unless the Hearing Officer has received such information in the investigation of the matter because:
  - The Parties were previously found to be responsible, and
  - The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Parties.



## **Pre-Hearing Meetings**

After notice of the Live Hearing date has been sent to the Parties and before the Live Hearing is conducted, the Hearing Officer may convene a pre-hearing meeting(s) with the Parties and/or their Advisors to invite them to submit the questions or topics that they (the Parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid the introduction of any improper evidence at the hearing and/or to provide recommendations for more appropriate phrasing. This advance review opportunity, however, will not preclude the Advisors from asking questions for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

The Hearing Officer, only with full agreement of the Parties, may decide in advance of the hearing that certain Witnesses do not need to be present if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing.

At each pre-hearing meeting with a Party and their Advisor, the Hearing Officer will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant. The Hearing Officer may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing.

The pre-hearing meeting(s) will not be recorded.

## **Determinations/Standard of Proof**

The Hearing Officer will use “preponderance of the evidence” as the standard of proof to determine whether a violation of sexual harassment, domestic violence, dating violence, sexual assault, or stalking has occurred. As explained above, preponderance of the evidence means that, in order to find the Respondent responsible for a violation of Title IX, the Hearing Officer must be convinced, based on the information it considers, that the Respondent was more likely than not to have engaged in the conduct at issue.

The Hearing Officer will find the Respondent responsible, or not responsible. The Hearing Officer will generally render a determination within ten (10) business days after the conclusion of a hearing.

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider the previously submitted Party impact statements in determining appropriate sanctions. The Hearing Officer will determine the appropriate sanction(s) and, in the process of doing so, may consult with other appropriate administrators.

## **Post-Hearing Interventions Applying to Complainants and Respondents**

1. The complainant and/or respondent may have parking re-assigned.
2. The complainant and/or respondent may have his/her academic schedule altered and/or arrangements with instructors to assist in offsetting potential academic problems will be coordinated. This service is not applicable for a respondent who has been temporarily or immediately removed from campus and/or classes.
3. The respondent may be directed not to have contact, by any means, with a complainant.
4. The complainant may be directed not to have contact, by any means, with a respondent.
- 5 Any individual who is alleged to have committed a violent act, including domestic violence, dating violence, sexual assault, or stalking upon a member of the campus community, may be banned from campus and campus activities.
6. Other conditions as deemed appropriate.

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action. It is recommended that a person who has experienced domestic violence, dating violence, sexual assault, or stalking consider each of the following:

1. Getting to a safe place.
2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.
3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies (e.g., Brookdale Counseling Center, Employee Assistance Program (EAP) or private providers). Calling someone that is known and trusted, such as a friend or counselor, and discussing with this person the assault can help to evaluate the trauma to sort out next steps.
5. Making a police report. You can initiate a campus and/or criminal complaint. You may obtain assistance from campus authorities in this notification.
6. Making a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator or other responsible employee under Title IX.
7. Making an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

## **Ongoing Care**

Students may seek assistance at any time from the Brookdale Counseling Center at no additional charge. Any medical facility can assist with post-assault medical care which includes testing and treating for sexually transmitted diseases (STDs). Costs for testing may be paid directly by the student or billed through insurance.

Beneficial staff and faculty may seek assistance at any time from any medical facility or the Employee Assistance Program (EAP). Additionally, the Title IX coordinator may provide additional information. Those seeking support should refer to the support resources listed on pages 41-45 of this ASR.

## **On-Campus Investigation and Adjudication**

Brookdale's response to domestic violence, dating violence, sexual assault, or stalking incidents may involve a number of individuals and agencies. In addition, for cases involving campus community members, there is a timely, campus-based investigation which is private and protects individual rights and process. The complainant is presented with options about how s/he may pursue the complaint.

Title IX complainants, including those reporting violence or concerned about Brookdale's compliance with Title IX or Department of Education policies, may be directed to one of the Title IX Coordinators in either the Office of the Vice President, Student Affairs, or in the Office of the Associate Vice President, Human Resources, depending upon whether the matter involves a student[s] or employee[s]. Both Title IX Coordinators are located on the Lincroft campus at 765 Newman Springs Rd. Lincroft, NJ 07738, or the U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. Complaints may also be directed to any other federal agency.

## Written Determination

After reaching a conclusion, the Hearing Officer will prepare a written determination which will include the following:

- Identification of the allegations potentially constituting sexual harassment as defined in this Regulation;
- Description of the procedural steps taken from receipt of the formal complaint through the determination, including any notification to the Parties, interviews with the Parties and
- Witnesses, site visits, methods used to gather evidence, hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's policy to the facts;
- Statement and rationale for the result as to each allegation, including a determination regarding responsibility, any sanctions to be imposed; and
- The College's procedures and permissible bases for appeal.

This statement must be submitted to the Title IX Coordinator within a reasonable time after deliberation, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

The Written Determination will then be shared with the Parties simultaneously. Notification will be made in writing and may be delivered via Brookdale email account, US mail, or in person.

## Actions Following the Written Determination/Sanctions

### Sanctions Against the Respondent

Following the hearing, if a Respondent is found to be responsible, they are subject to disciplinary action in accordance with this Regulation. Sanctions that may be imposed following a final determination of responsibility which may include, but are not limited to, those described in the "Sanctions and Remedies" section of this Regulation.

Any visitor, supplier, contractor or delivery person alleged to have violated this policy will be reported to the Brookdale Community College Police Department and/or to his/her human resources representative, if applicable. Violation of this policy may result in the individual being banned from the College and/or the loss of business with the College.

### Sanctions and Other Remedies

#### 1. How Sanctions Are Determined

The Hearing Officer will impose sanctions that are:

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

The Hearing Officer will consider relevant factors, including if applicable: (1) the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the prior disciplinary

history of the Respondent; (6) the safety of the College community; and (7) the conduct of the Respondent during the grievance process.

In determining what sanctions will protect the safety of the College community, the Hearing Officer will consider: (1) the risk that the Respondent may again engage in additional gender-based misconduct; and (2) the deterrent or permissive effect of a particular sanction on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a sanction must always be fair and appropriate for the particular case).

The Hearing Officer will render a sanctioning decision with the decision on responsibility. The sanctioning decision will be communicated in writing to the Complainant and Respondent simultaneously.

## 2. List of Sanctions

The College may impose any one or more of the following sanctions on an individual determined to be responsible for a Title IX violation:

### Students:

- Reprimand/warning
- Changing the academic schedule of the student
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to College facilities or activities (including student activities and campus organizations)
- Issuing a “No Contact Order” to the student or requiring that such an order remain in place
- Dismissal or restriction from College employment
- Suspension (limited time or indefinite)
- Expulsion
- Community Service
- Revocation of degree

### Employees:

- Referral to EAP/Counseling
- Training
- Warning
- Reprimand
- Suspension
- Transfer
- Demotion
- Termination
- File complaint with police department
- Institute legal action if appropriate

### Contractors/Delivery Persons:

- Notification to Employer’s HR Department for Action
- Requirement that the individual be excluded from assignment by the company to the College’s worksite
- Suspension of business with the College
- Termination of business with the College
- File complaint with police department
- Institute legal action if appropriate

### Visitors:

- Denial of access to the campus
- Report to the Police Department
- Institute legal action if appropriate

## **Appeals and Supportive Measures for Complainants and Respondents**

### **Supportive Measures for Complainants and Respondents**

Whatever the outcome of the hearing process, a Complainant or Respondent may request ongoing or additional reasonably available supportive measures designed to restore or preserve equal access to the College's educational program or activities, including measures designed to protect the safety of all Parties or the College's educational environment or deter sexual harassment. The College will determine whether such measures are appropriate. Potential supportive measures include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Mutual restrictions on contact between the Parties
- Leave of absence
- Providing an escort for the Party
- Changing the Party's academic schedule
- Adjusting the Party's work schedule
- Allowing the Party to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

### **Additional Responses**

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred;
- Additional training and educational materials for students and employees;
- Revision of the College's policies/regulations relating to gender-based misconduct.

### **Appeal**

Either the Complainant or the Respondent, or both, may appeal the determination of the Hearing Officer to an Appeals Hearing Officer within five (5) business days of the notification of the sanctions imposed. The individual requesting an appeal must submit an appeal letter to the Appeals Hearing Officer. If either the Complainant or the Respondent submits an appeal, the Appeals Hearing Officer will notify the other Party that an appeal has been filed and the grounds of the appeal. The non-appealing Party may submit a written response within five days after notice of an appeal.

The three grounds for appeal are:

1. A procedural irregularity affecting the outcome of the matter;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. The Title IX Coordinator, Investigator, and/or Hearing Officer had a conflict of interest or bias for or against either of the Parties generally or the individual Party that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for an appeal.

If the Appeals Hearing Officer concludes that a change in the Hearing Officer's determination is warranted, the Appeals Hearing Officer may enter a revised determination or sanction. Both Parties will be notified simultaneously of the decision by the Appeals Hearing Officer. The decision is then final.

The appeal decision will consider if the sanctions are:

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

## **Records Disclosure**

Grievance proceedings conducted by the College are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the College without the student's consent. Likewise, grievance proceedings involving employees are also treated as confidential documents.

Disciplinary information without a student's or employee's consent may be released in certain circumstances as provided by law. Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

## **Title IX Training**

Per BCC Regulation 2.1001R, employees will receive information about sexual harassment/sexual assault, dating violence, domestic violence, and stalking, during orientation and part of annual training requirements. Students also receive information about sexual harassment during their first full semester at the College.

## **Student Conduct: Investigations, Rights and Responsibilities**

### **Student Rights and Responsibilities**

The College places an emphasis upon certain core values and personal freedoms which are essential to its nature, mission and purpose as an academic community and institution of higher learning. Members of the College community are entitled to engage in the teaching and learning process undisturbed by violence, harassment, intimidation and bullying. The ability to do so is essential to the orderly pursuit of learning and the work of all members of the College community. Students and student organizations may examine and discuss questions of interest to them and may express opinions publicly and privately. They may support causes by orderly means which do not disrupt the regular and essential operations of the College.

It is the responsibility of all students of the College to adhere to the letter and spirit of this statement of student rights and responsibilities, all College policies, rules and regulations and local, state and federal laws. Students shall not violate or attempt to violate any College policy, rule or regulation or any local, state or federal law. It is the responsibility of all students of the College to contribute to an educational atmosphere in which violations of personal rights and freedoms will not be tolerated.

### **Definition of Student**

For the purpose of this Student Code of Conduct, a student is defined as a person who is currently enrolled or registered as a credit student at the College at the time of the incident as to which the person has been charged with violation of this Student Code of Conduct. If a person is not enrolled or registered at the time of an incident in which he/she is involved which may constitute a violation of the Student Code of Conduct, that person and the referenced alleged misconduct conduct may become subject to the Student Code of Conduct upon the person's enrollment or reenrollment at the College.

### **Purpose and Scope of the Student Code of Conduct**

1. This Student Code of Conduct is adopted for the purpose of providing a precise set of expectations to students and, at the same time, offering the assurance that all students will be accorded fair and reasonable treatment in matters involving alleged or determined violations of the Student Code of Conduct.

2. The Student Code of Conduct will apply to any student, student organization or athletic team engaging in activities on the College campus, or at any of the College's off-campus centers and/or satellite campuses (referenced as "College Premises" in this Student Code of Conduct). The College Premises includes the Lincroft campus and any regional or other locations at which the College maintains an office and conducts activities. The Student Code of Conduct also applies to any student, student organization or athletic team sponsoring any approved off-campus function or otherwise representing the College in an off-campus setting. Additionally, the College can take action regarding off-campus incidents when such violation(s) adversely affect(s) the College.

3. When a student is convicted of a violation of local, state or federal law, the College will not request special consideration for that person because of his/her status as a student. However, the College will cooperate fully with law enforcement agencies and with other agencies in any appropriate program for the rehabilitation of the student to the extent permitted by law and as determined to be in the best interest of the student and the College community.

## **Standards of Conduct**

Student conduct which interferes with the philosophical platform of the College is not acceptable. Any person who enrolls at the College can expect that the faculty, staff and administration will exercise the authority of the College to regulate student conduct whenever the educational process, the health and welfare of the student body as a whole, and/or the property of the College are judged to be jeopardized by the action of any student or group of students.

Harassment, intimidation and bullying of any person are prohibited. Harassment, intimidation or bullying includes any gesture, any written, verbal or physical act or any electronic communication, whether it be a single incident or a series of incidents that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, or a mental, physical or sensory disability, or by another distinguishing characteristic that takes place on College Premises or at any function sponsored by the College, that substantially disrupts or interferes with the orderly operation of the College or the rights of College employees or other students and that:

- a. a reasonable person will know, under the circumstances, will have the effect of physically or emotionally harming another person or damaging another person's property, or placing another person in reasonable fear of physical or emotional harm to his person or damage to his property; or
- b. has the effect of insulting or demeaning another person or group of persons; or
- c. Creates a hostile educational environment by interfering with a student's education, an employee's work or by severely or pervasively causing physical or emotional harm to another person.

## **Process and Disciplinary Procedures**

It has been recognized that due process in higher education disciplinary matters need not parallel the requirements of due process in a court of law. The College will attempt to handle disciplinary matters privately, informally and expeditiously before resorting to formalized procedures or the referral to outside agencies. However, the College will ensure that the basic protections of due process will be implemented when students of the College are charged with violating this Student Code of Conduct.

## **These protections afforded every student and related processes are:**

1. Any student, faculty or staff member may file a complaint alleging a violation of this Student Code of Conduct. Any such complaint shall be addressed consistent with the requirements of this Student Code of Conduct, except as noted in paragraph “2” immediately following this paragraph “1.”
2. Any student, faculty or staff member may file a complaint alleging domestic violence, dating violence, sexual assault and stalking by any student of the College, which complaint shall be addressed in accordance with College Regulation 6.3003R – “Procedures for Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Involving Students.”
3. Written notification of the charge(s) against a student and possible penalties within a reasonable time period.
4. The opportunity to have a discussion with the College’s designated Student Conduct Officer to clarify the evidence and/or view of an incident before an initial determination is made by the Student Conduct Officer or designee.
5. The opportunity to have a hearing before the Student Conduct Board with respect to major offenses as defined in this Student Code of Conduct or to waive the right to a hearing and accept the sanctions and/or penalties imposed by the Student Conduct Officer or other authority of the College.
6. Written notification of the time, place and date of a hearing at least three (3) business days in advance of the hearing.
7. The opportunity to present evidence and witnesses.
8. Written notification of the findings of the Student Conduct Board, which findings shall be based upon a preponderance of the evidence presented verbally and/or in writing.
9. Written notification of the sanctions and/or penalties to be imposed.
10. Written notification of the appeals process.

## **Violations**

A detailed listing of all acts that constitute ‘Violations’ of the Student Conduct Code [and the entire Student Conduct process] can be found in Brookdale Regulation 6.3000R on the BCC website/via this link: [6.3000R Student Conduct Code and Academic Integrity Code - Brookdale Community College \(brookdalecc.edu\)](http://brookdalecc.edu/6.3000R%20Student%20Conduct%20Code%20and%20Academic%20Integrity%20Code)



## Sanctions and Penalties

The Director of Student Conduct and Compliance may impose one or more sanctions [described below] for violations of the *Student Code of Conduct*.

1. **Verbal Reprimand:** Verbal admonition against further violations.
2. **Written Reprimand:** Written warning placed in student's file for having engaged in misconduct.
3. **Restitution:** The obligation to replace or pay for property damaged to compensate for losses incurred or to provide a campus service as a result of a violation.
4. **Conditional Probation:** Temporary loss of College rights and privileges until specified conditions are met, such as letters of apology, and/or doctor's releases, etc.
5. **Disciplinary Probation:** Loss of participation in College-related activities for a specified period of time. May also contain conditions to be met in order to be removed from probation.
6. **Fine:** Monetary sum imposed as a penalty for an offense.
7. **Community Service:** Assigned community service work to fit a particular violation of the Student Code of Conduct.
8. **Suspension:** Exclusion from all or specified classes and other College-related activities for a specified period of time.
9. **Expulsion:** Permanent dismissal from classes and college related activities.
10. **Summary (Temporary) Suspension:** Exclusion for all or specified classes and other College-related activities until due process can be completed. May be used by the Vice President of Student Affairs in the following instances:
  - a A threat of safety to the student or College community,
  - b A severe disruption of College activities, or
  - c If a student refuses to respond to a summons to appear before the College's designated Student Conduct Officer or his/her designee.

## Enforcement

1. Initial Action. Any individual student, group of students and/or student organization violating this Student Code of Conduct will be referred to the College's designated Student Conduct Officer or designee for disciplinary measures in accordance with the provisions of this Code of Student Conduct.

2. Minor offenses. In the case of all offenses deemed by the College's designated Student Conduct Officer or designee not to constitute acts which would result in suspension or expulsion of the student(s), the Student Conduct Officer may determine disciplinary actions as stated in paragraphs "1" through "7" of the Sanctions and Penalties section of this Code of Student Conduct, above. These offenses shall be deemed "minor offenses." The Student Conduct Officer will investigate allegations of an incident violating this Student Code of Conduct, notify the student of the allegations regarding the incident and advise the student of the charges against him/her; hear the student's comments about the incident, when possible; make a determination about whether or not, if true, the allegations constitute a minor offense and, if so, the penalty or sanction to be imposed; notify the student of that determination within a reasonable period of time and notify the student of the appeal procedures when appropriate. Any student may appeal a determination with respect to a minor offense as stated in paragraph "1" of the Appeals Section of this Student Code of Conduct, below.

3. Major Offenses. In any case in which the violation is of such a nature that, in the opinion of the College's designated Student Conduct Officer, suspension or expulsion from the College could be imposed, the Student Conduct Officer shall bring the matter before the Student Conduct Board in accordance with the following procedures:

a. The Student Conduct Board will be convened to hear all cases which could result in suspension or expulsion. The Student Conduct Board will be composed of two (2) students and one (1) representative of

the College faculty and staff. A training program for potential Student Conduct Board members will be held each Fall Term.

b. In such cases, the Student Conduct Officer or his/her designee, acting as a non-voting member of the Student Conduct Board, will arrange with the student charged with violation of the Student Code of Conduct the time and place of the hearing before the Student Conduct Board, which said notice will advise the student of the charges against him/her; the student's right to question witnesses against him/her; the student's right to produce witnesses on his/her behalf; and the student's right to select counsel of his/her own choosing. Counsel will be allowed to advise the student or students charged with violation of the Student Code of Conduct, but will not be permitted to speak and/or examine witnesses at the hearing. Other College students, faculty and staff may attend the hearing only upon the invitation of the Student Conduct Officer or if they are presented as witnesses by the student whose conduct is the subject of the hearing. The Student Conduct Board will be convened to consider the alleged violation of the Student Code of Conduct as soon as possible in proximity to the time of the alleged incident.

c. The Student Conduct Officer or his/her designee will present all charges against the student at the hearing before the Student Conduct Board.

d. The Vice President of Student Affairs or the College Officer of the Day will assume the role of the Student Conduct Officer as stated in this Student Code of Conduct if there exists a specific conflict of interest for the Student Conduct Officer in any pending case.

e. At the hearing, the Student Conduct Board will hear the charges against the student and hear the statements of witnesses for and against the student and may question the witnesses. The Student Conduct Board will conduct a hearing about alleged violations of the Student Code of Conduct by more than one (1) student in the same case and/or pertaining to the same incident at one hearing.

f. Upon the conclusion of the hearing and after deliberation, the Student Conduct Board will render its decision based upon the preponderance of evidence presented at the hearing, both in writing and through verbal testimony.

g. The Student Conduct Officer will notify the student charged of the decision of the Student Conduct Board within 24 hours of receiving the decision of the Student Conduct Board.

h. A taped or digitally recorded record of all Student Conduct Board hearings shall be made. The record shall be retained by the College in accordance with College policy and regulation and relevant federal and state law.

i. Violations determined to have occurred and penalties imposed may be publicized in the College newspaper without mention of or alluding to the names of the persons involved in the incident resulting in a violation of this Student Code of Conduct.

## **Appeals**

1. Any student or faculty or staff member may appeal a decision of the Student Conduct Officer or Student Conduct Board by notice in writing filed with the Vice President of Student Affairs, within five (5) working days after notice of the decision.

2. The Vice President of Student Affairs, upon the filing of such appeal, will review the proceeding in the matter and: (a) affirm the decision of the Student Conduct Board; (b) revise the decision of the Student Conduct Board; or (c) convene an appeal committee.

3. In the event the Vice President of Student Affairs affirms the decision of the Student Conduct Board, the Vice President of Student Affairs will advise the student in writing within three (3) working days of the decision.

4. In the event the Vice President of Student Affairs on any appeal filed with him/her determines to convene an appeal committee, the following procedure will be followed:

a. The Vice President of Student Affairs will appoint an appeal committee consisting of two (2) students and one (1) representative of the College faculty and staff.

b. The Vice President of Student Affairs will convene such appeal committee, give notice to the student appellant of the time and place of the meeting of the appeal committee to hear the appeal, and will preside over the appeal hearing.

c. The appeal committee, after hearing the matter, may take any of the following actions:

(1) Affirm the decision of the Student Conduct Board;

(2) Revise decision of the Student Conduct Board; or

(3) Render a new decision.

d. The Vice President of Student Affairs will advise the student in writing of the decision of the appeal committee within one (1) working day of the appeal committee's rendering of its decision.

## **Suspension**

Suspension of a student may be imposed when the Student Conduct Board has determined that a Major Offense has occurred or when the conditions of disciplinary probation are disregarded. Suspension is imposed only on the basis of the recommendation of the Student Conduct Board and with the approval of the Vice President of Student Affairs. Suspension is applied for a given period of time, and the term is specified to the student.

A student suspended from the College forfeits all rights and privileges of a student, including participation in all College-related or College-sponsored functions. All suspension actions will be noted in the student's College record.

Any student may be summarily suspended by the Vice President of Student Affairs or the College Officer of the Day for a period not to exceed ten (10) College working days pending a hearing before the Student Conduct Board.

In the event of any appeal of the Student Conduct Board decision, the Vice President of Student Affairs may suspend the student or continue any previous suspension pending the disposition of the appeal.

## **Expulsion**

Expulsion of a student from the College may be imposed in situations in which Major Offenses of this Student Code of Conduct have occurred or when a series of suspensions have been issued to a student without sufficient improvement in the student's conduct. Expulsion may be recommended to the College President by the Vice President of Student Affairs.

## **Authority of the College President**

Any expulsion imposed on a student for violation of this Student Code of Conduct at all times will be subject to the approval of the President of the College. Nothing in this Student Code of Conduct will be deemed to limit the final authority of the President of the College in all matters relating to violations of this Student Code of Conduct and the imposition of the aforementioned sanctions and/or penalties.

All Brookdale students are supplied with a copy of the Brookdale Community College Student Handbook as part of each semester's registration process. The Student Code of Conduct can also be accessed via the Brookdale Community College website at :

<https://www.brookdalecc.edu/vp-student-success/handbook/>

Student Conduct Incident Reports may be completed by anyone via the form on the Brookdale website. Reports will be reviewed/investigated by the Director, Student Conduct and Compliance. The Brookdale Director, Student Conduct and Compliance is:

- Erin McCarron  
Rm 109, MAC building/Lincroft campus  
(732)-224-2253  
[emccarron@brookdalecc.edu](mailto:emccarron@brookdalecc.edu)

The Executive Director of Student Services is:

- Christopher Jeune  
Rm 109, MAC building, Lincroft campus  
(732)-224-2096  
[cjeune@brookdalecc.edu](mailto:cjeune@brookdalecc.edu)

## **Behavioral Intervention Team [BIT]**

The College's Behavioral Intervention Team [BIT] utilizes a proactive, collaborative, coordinated, objective, and thoughtful approach to the prevention, identification, assessment, intervention, and management of situations before they have become severe and potentially dangerous. The BIT serves as a central network focused on caring prevention and early intervention for students experiencing serious distress or engaging in harmful or disruptive behaviors. The Team/process provides the community with a tool and conduit with which to alert relevant campus authorities of their worry and concern for a student. The BIT aims to intervene and assist these students in meeting their academic, personal, and professional goals at the College. The reported behaviors might relate to the safety of others; therefore, the BIT may mobilize resources in order to minimize the disruption to the College and help prevent violence on campus.

The BIT receives and gathers information pertaining to students of concern, develops strategies to manage potentially harmful or disruptive behavior, makes recommendations to College officials regarding appropriate actions that are consistent with policies and procedures, informs the referral person concerning the next steps to be taken with the student, and provides consultation to the community when concerns arise about a student's well-being or when there is a behavior that is potentially harmful to self and/or others or is disruptive and/or threatening.

The BIT can monitor and manage concerning behaviors both on and off-campus, including, but not limited to, requesting the MCSO/outside law enforcement entities to locate a particular student, and/or to conduct a well-being check on a student at their home.

The BIT also educates and trains the community [currently via the College's 'SafeCollege' online training modules] on identification of concerning behaviors, communication styles, crisis response and proactive options to assist students.

The BIT is composed of the Executive Director of Student Services, the Director of Disability Services, the Director of Student Life and Activities, the Confidential Assistant to the Vice President of Student Affairs, Counseling Faculty members, the Monmouth County Division of Social Services Liaison, the Director of Advising, and [starting in 2023] the BCC Director, Security and Public Safety. Prior to 2023, the Brookdale Community College Police Department Chief of Police and Lieutenant were on the BIT.

To report a Student of Concern to the BIT, complete an Incident report via this link: [Reporting Student Incidents - Brookdale Community College \(brookdalecc.edu\)](#)

## **Prevention of Domestic/Dating Violence, Sexual Assault, and Stalking**

Brookdale Community College will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. The College utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive specific annual training. Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, the College is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The College's process does not preclude adjudication under state law.

Brookdale Community College prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

### **Prevention Efforts**

Brookdale Community College attempts to foster a safe learning and working environment for all members of the campus community. To accomplish this, the College considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, the College discipline systems, academic schedules, etc.), the campus response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community. Brookdale Community College develops educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. The Monmouth County Sheriff's Office (MCSO) supports the educational programs by providing input and personnel to accomplish this task. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Title IX coordinator, Human Resources, or the Vice President of Student Success Office.

The College continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc.

## **Awareness Education and Prevention Programming**

### **Crime Prevention Programs for Students and Employees**

A common theme of a crime prevention program is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The College provides crime prevention programs for new students via online training in their first long semester, continuing students as part of guest lectures by the Police Department and for students and employees through on-line and open in-person programs. On the following dates in 2022, BCC sponsored the following prevention programs:

- 4/18/22- New Employee Orientation [New employees also receive and complete an annual training/information packet within [30] days of hire. Included are policies on drug/alcohol abuse, drug free workplace, non-discrimination, and Title IX.
- 8/16/22- New Student orientation [addressing security procedures and matters] occurs each semester, includ. [2] sessions on 8/16/22
- 12/5/22, 12/12/22, 12/19/22, 12/26/22- RWJ Barnabas Health Institute for Prevention and Recovery "Free program to Quit Smoking or Vaping" [Zoom program]  
Contact #: 833-795-QUIT [quitcenter@rwjbh.org](mailto:quitcenter@rwjbh.org)

Crime prevention is further enhanced by the dissemination of the College's Student Code of Conduct to students and the College's Code of Ethics and the Equal Opportunity and Non-Discrimination Regulation for employees. This information is provided to students each semester and annually to employees.

The key elements to crime prevention are reinforced through collaboration among the MCSO, the faculty, staff, and students.

## **How to Be an Active Bystander/Bystander Intervention**

### **What is a Bystander?**

Bystanders are the largest group of people involved in violence (sexual, dating and domestic). They greatly outnumber both the perpetrators and the victims. They have the ability to prevent or mitigate incidents of sexual violence, but often do not. Some bystanders know that a specific assault is happening or will happen. Some bystanders see an assault or a potential assault in progress. Bystanders have the power to stop assaults from occurring and to get help for people who have been victimized.

A perpetrator of College sexual assaults may be outwardly charming, have a lot of friends, and may not consider the actions to be wrong. People who know this person (bystanders) and who might be friends with this person, often do not want women they care about (sisters, friends, etc.) to date or hang around this person. But when the behavior is directed at other women whom they are not close to, they often do not think they need to get involved. Bystanders often know that this person's behavior is inappropriate and potentially illegal, but they do not know what they can do to make a difference.

Brookdale Community College wants to create a culture of ACTIVE bystanders, people who are actively engaged in the prevention/mitigation of violence, not bystanders who stand by and do nothing.

### **What is an Active Bystander?**

Active bystanders are people who employ safe and positive options to prevent harm or who intervene when there is a risk of dating violence, sexual assault, or stalking.

Active bystanders recognize situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers for intervening, identifying safe and effective intervention options, and taking actions to intervene.

### **Safe and Positive Options for Bystander Interventions**

- \* If someone is in immediate danger, call 9-1-1, especially if it is not safe for you to intervene
- \* Believe someone who discloses a sexual assault, abusive relationship, or experience with stalking.
- \* Be respectful of yourself and others. Make sure any sexual act is OK with your partner if you initiate.
- \* Watch out for other students, staff members, faculty members, and friends. If you see someone on or off Brookdale's campuses who looks like they are in trouble, ask if they are okay. If you are afraid to interfere with the situation, call that person over for something very general ("Can I speak to you about the homework from the other day?"). If you see another student, staff member, faculty member, or friend doing something harmful, say something.
- Speak up. If someone says something offensive, derogatory, or abusive, or divulges a plan to take advantage of someone, let them know [if you can do so safely] that such behavior is wrong and you don't want to be around it. Don't laugh at sexist, racist, or homophobic jokes.
- \* Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- \* Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Tips to Help Avoid Sexual Assault**

With no intent to victim blame, and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, go with your gut. It probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **If you see something suspicious,** contact law enforcement immediately. [Local police Authorities can be reached by calling 9-1-1 in most areas of the U.S.]
- **Make sure your cell phone is with you** and charged and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, watch out for each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If someone is pressuring you and you need to get out of an uncomfortable situation:
  - o **Remember that being in this situation is not your fault.** It is the person who is making you uncomfortable that is to blame.
  - o **Don't feel obligated to do something** you do not want to do
  - o **Have a code word** with your friends or family so that you can call them and

communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others). If you need to get out of an uncomfortable or scary situation here are some things that you can try:
- **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby? Are there people around that might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Public Safety Suggestions

- If you travel unescorted, especially at night, you should be aware of measures you can use to safeguard yourself from attack.
- For the Lincroft campus, use the emergency phone number at the College – 2222 – from any on campus phone or call 911. Also, there are exterior emergency Call Boxes identified by blue lights located throughout the Lincroft campus and at the Wall location. View a map of the Lincroft campus at: [https://www.brookdalecc.edu/documents/counseling/map\\_high-res.jpg](https://www.brookdalecc.edu/documents/counseling/map_high-res.jpg) .
- \* Operate the 'blue light' emergency phone, press the large red button on the call tower. This will activate an emergency notification for help. On-campus Sheriff's Officer will be contacted whether a message is transmitted or not.
- \* If you are calling from a cell phone for an emergency, dial 911. From outside the College phone system, call (732) 224-2222 to also report a non-emergency or public safety related matter.
- To report a crime or emergency or non-emergency at Brookdale at Wall, call Security at 6001 or, from outside the College phone system, (732)280-7090 ext. #1.
- In 2022, people reported a crime or emergency or non-emergency at Brookdale at Hazlet, call Security at x4004, or from outside the College phone system, (732)739-6012.
- To report a crime or emergency or non-emergency at Brookdale at Long Branch, call Security at 1514 or, from outside the College phone system, (732)229-8440 ext. #1.
- To report a crime or emergency or non-emergency at the Brookdale at Neptune, call Security at 1226 or, from outside the College phone system, (732)774-3363 ext. #1.
- To report a crime or emergency or non-emergency at Brookdale's Freehold Campus, call Security at 7000 or, from outside the College phone system, (732)780-0020 ext. #1.

You can help combat crime if you are aware of:

- Suspicious Persons
- Questionable Actions
- Dangerous Conditions

To help you identify someone to the MCSO/local police, observe and report on the following:

- The individual's height, weight, age, complexion, dress, speech, movement and anything else unusual in appearance or actions. Identify two or more notable characteristics. Compare physical proportions and age with someone you know.
- Distinguishing marks — a ring or other jewelry, tattoo or scar, missing tooth or finger, bow legs, etc.
- If a car is used, write down the license plate number, license plate state, color, make/model.

**While Walking**



- The best weapon against attack is psychological preparedness. An attacker usually expects a passive victim. Walking at a steady pace, looking confident and knowing where you are going makes a difference. Although there is no sure way to protect yourself against attack, certain factors can decrease your vulnerability.
- Try to avoid going out at night alone. When possible, walk with another person or in group. If walking alone, be even more alert to your surroundings.
- Walk near the curb and avoid walkways that pass close to shrubbery, dark doorways and other places where someone may hide. Avoid shortcuts and stay in well-lighted areas.
- Do not accept rides from strangers. If a car approaches and you are threatened, scream and run in a different direction opposite that of the car. The driver will have to turn around to pursue you.
- Maintain a secure grip on your purse. Avoid carrying large amounts of money or wearing expensive jewelry.
- Avoid working in or leaving classrooms and meeting rooms alone at night. Walk to the parking lot with another person.
- Avoid over loading your arms which renders you defenseless. Be prepared to drop bundles and run.
- Consider wearing clothing that would not impede your ability to run quickly.
- If you fear danger, scream loudly or blow a whistle. Don't be afraid to be afraid. Raising a commotion in an uneasy situation may prevent an attack.
- Carrying a defense implement, such as an umbrella or a spray can, should be considered with caution and should be used only to stop an attack in order to get away.
- Avoid telephone conversations while walking alone especially during the hours of darkness.

### **When Going to Your Car**

- Whether your car is parked in your own driveway, or in a parking lot, it is a good idea to remember the following rules:
- Avoid walking through or next to unlighted wooded areas or bushes whenever possible.
- Always have your car keys ready.
- Always approach your car dead center from the front or rear, never from the side. This allows you complete visibility on both sides (driver and passenger) and also allows detection of anyone hiding or lurking there.
- It is advisable to carry a pocket flashlight or penlight at all times. Before getting into the car, look in the back seat and on the rear floor of the vehicle. Check the cars adjacent to you to assure that no one is hiding or waiting for you.
- Upon getting in the vehicle, lock all doors at once.
- Start the engine immediately — don't just sit and wait.
- Should anyone try to break into the vehicle while you're in it, press down firmly on the horn and keep it pressed down to attract as much attention as possible. Make every attempt to drive away.
- Whenever possible, have someone accompany you to your vehicle, then drive the person to his/her car.

### **When Driving**

- Travel on well-lighted, busy streets. Keep windows rolled up and doors locked.
- Do not leave your wallet or purse in view. Put it in the glove compartment or on the floor opposite you.
- Keep your car in gear at all traffic lights and stop signs. If your safety is threatened, hold down on the horn and drive away.
- When stopped behind another vehicle make sure you can see the rear wheels of the vehicle touch the roadway. Never drive any closer. This will allow room to drive away if danger approaches.
- If you have reason to believe that another vehicle is following you, do not stop. Drive to the nearest police station or open business. Write down the license number and description of the vehicle.
- Park only in well-lighted areas and look for loiterers before leaving your vehicle.
- Lock your vehicle and do not leave valuables in view. (Lock them in the trunk.) This will discourage thieves.
- Don't hitchhike, and don't pick up hitchhikers.

### **Drug Free Schools and Communities Act**

The Drug Free Schools and Communities Act of 1989 and the Drug Free Schools and Communities Regulations [34 CFR part 86] provide that colleges and universities that receive federal funding must maintain a drug and alcohol abuse prevention program and related policies.

Brookdale Community College's Regulations/illicit drug and alcohol abuse prevention programming and regulations/policies advise the community about the prohibition of illicit drugs and alcohol on BCC properties/at BCC sponsored events, and help prevent wrongful use/possession and abuse of drugs and alcohol, with the purpose of promoting a healthy and safe learning environment.

An annual notification of this information about the DRSCA and Brookdale's Drug and Alcohol programming is provided to employees as part of their annual compliance training. Brookdale's current academic credit students are notified in writing via a semesterly distribution of the Brookdale Regulation 3.9011R.

The following tenets of the Drug Free Schools and Communities Act define the BCC compliance measures/prohibitions:

### **1. Standards of Conduct that Prohibit the Illegal Possession, Use, or Distribution of Alcohol and/or Illicit Drugs**

#### For Students:

Per College Regulations [available for review via the BCC website] and the Brookdale Student Handbook [as distributed/available to all current students], students are advised [via Regulations 3.9011R, 2.600R, and 6.0003R, and #10, #24, and #25 of subsection 'Violations' of the Student Handbook] that the College **strictly prohibits** all of the following on all property owned or controlled by the College, or at any College sponsored events/activities:

- Possession or consumption of alcoholic beverages in any form on College premises [regardless of the age of the person], except in those areas of the College premises where the President or his/her designee has authorized the serving of alcoholic beverages, subject to Regulations [See [College Regulations - Brookdale Community College \(brookdalecc.edu\)](http://brookdalecc.edu) ] and federal and state law.
- Visible intoxication from any legal or illegal substance as defined in this code while on College premises.
- Illegally possessing, using/being under the influence of, manufacturing, selling/distributing, or dispensing illicit drugs.
- Smoking, using, consuming and sale of smoke and/or nicotine products, marijuana, and 'regulated cannabis' [collectively referred to as 'marijuana'], or simulations of the same, including but not limited to cigarettes, cigars, pipes, electronic cigarettes, chewing and/or snuff, vaping or similar device. [See BCC Regulation 2.6000R on BCC website for further].
  - Exceptions include smoking cigarettes, chewing tobacco, and non-marijuana vaping inside one's personally-owned vehicle.
  - Even though the State of New Jersey legalized marijuana, all marijuana/cannabis/derivatives remain prohibited on College grounds.
- Hazing

#### For Brookdale Community College Employees:

Employees are also required to abide by Drug Free Schools and Communities Act of 1989 and the Drug Free Workplace Act of 1988. Per College Regulations [3.9006R, 3.9011R, and 2.6000R] and annual compliance training [as provided by BCC Human Resources] on illicit drugs, alcohol, and BCC's 'smoke-free environment,' employees are prohibited

from:

- The unlawful manufacture, distribution, dispensation, possession, or use/being under the influence of any illicit drugs while on College premises, or while conducting College business off premises.
- Possessing/Using [including during meal periods]/Being under the influence of alcohol at work/on College premises, while representing the College at off-campus events/activities, or while conducting College business off campus.
- Smoking, using, consuming and sale of smoke and/or nicotine products, marijuana and regulated cannabis [collectively referred to as 'marijuana'], or simulations of the same, including but not limited to cigarettes, cigars, pipes, electronic cigarettes, chewing and/or snuff, vaping or similar device. [See BCC Regulation 2.6000R on BCC website for further]
  - Exceptions include smoking cigarettes, chewing tobacco, and non-marijuana vaping inside one's personally-owned vehicle.
  - Even though the State of New Jersey legalized marijuana, all marijuana/cannabis/derivatives remain prohibited on College grounds.

## **2. Legal Sanctions Under Federal, State/Local Laws for the Unlawful Possession/Distribution of Illicit Drugs and Alcohol**

All members of the College community [including students, employees, partner institutions, affiliates, volunteers, and visitors] are subject to the applicable laws and policies that govern the unlawful possession, use and distribution of illicit drugs, alcohol, and smoking/tobacco/marijuana. BCC is an educational institution committed to maintaining an environment that is free of the negative effects that come from the possession, use/abuse, distribution, and such of illicit drugs and alcohol.

Accordingly, violations of the College drug and alcohol-related Regulations and/or local, state, and federal laws that pertain to illicit drugs and alcohol (including motor vehicle violations), may subject an individual to any of the following legal sanctions:

### **New Jersey Legal Sanctions:**

Substance/Offense	Quantity	Crime Level/ Penalties	Quantity	Crime Level / Penalties
Manufacturing, Distributing, or Dispensing Controlled Dangerous Substance [CDS]/ Sched I or II Narcotic NJSA 2C:35-5(a)(1)(2)	> 1oz	3 <sup>rd</sup> degree- Fine up to \$75,000	1oz or more	2 <sup>nd</sup> degree
Manufacturing, etc of Any Other Schedule I, II, III, or IV/Analog		3 <sup>rd</sup> degree: Fine up to \$25,000		
Manufacturing Schedule V/Analog		4 <sup>th</sup> degree: Fine up to \$25,000		
Manufacturing Gamma Hydroxybutyrate 2C:35-5.2		2 <sup>nd</sup> degree: Fine up to \$150,000		
Possession Gamma Hydroxybutyrate 2C:35-10.2		3 <sup>rd</sup> degree: Fine up to \$100,000		
Manufacturing, Possession, etc of Lysergic Acid Diethylamide [LSD]	>100 mg mixture	1 <sup>st</sup> degree: Fine up to \$300,000	100 mg or more mixture	1 <sup>st</sup> degree- Fine up to \$500,000
Phencyclidine 2C:35-5(b)(6)	>10 gm mixture		10gm mixture +	
Manufacturing, Possess, etc Methamphetamine/ Phenyl-2-Propanone	>1/2 oz mixture	3 <sup>rd</sup> degree: Fine up to \$75,000	½ oz, >5 oz mixture	2 <sup>nd</sup> Degree
Obtaining, Possessing Synthetic Cannabinoid 2C:35-5.3(c)	>1 oz	4 <sup>th</sup> degree	1 oz or more	3 <sup>rd</sup> degree
Employing a Juvenile in Drug Distribution 2C:35-6		2 <sup>nd</sup> degree: Min 5 yrs/jail + \$500,000 fine		
Distribution on or within 1,000 ft of School Property	>1 oz Marijuana	3 <sup>rd</sup> degree: Min 1 yr/jail, and up to \$150,000 fine	Any other CDS	3 <sup>rd</sup> degree; Min 3 yr/jail, and up to \$150,000
Possession /Flunitrazepam 2C:35-10.3		3 <sup>rd</sup> degree: Fine up to \$100,000		
Toxic Chemicals	Possess	Disorderly Person [DP]	Distribution	4 <sup>th</sup> degree
Prescription Legend Drugs Distribution for Gain	>5 units	4 <sup>th</sup> degree	5 units, >100	3 <sup>rd</sup> degree: Fine up to \$200,000
Imitation/CDS-Distribution, Manufct/Possession, 2C:35-11		3 <sup>rd</sup> degree; Fine up to \$200,000		
Possession/Drug Paraphernalia	To Use	DP	To Distribution	4 <sup>th</sup> degree
Driving Under the Influence [DUI] 39:4-50		1 <sup>st</sup> Offense: Fine of \$250-400;  Jail/Up to 30 dys Loss of driver's license until ignition interlock installed		2 <sup>nd</sup> Offense: \$500-\$1,000  Jail 2-90 dys Loss/driver's license 1-2 yr min
Open Alcohol Possession 39-4-51(b)		Fine \$200		
Possessing Alcohol >21 2C:33-15(a)		DP: Fine up to \$500		
Provide Alcohol Person >21		DP; Up to 6 mos jail and \$1,000 fine		
Possession, etc Heroin 2C:35-5(b)(1)	>½ oz	3 <sup>rd</sup> degree: Fine up to \$75,000	½ oz, >5 oz	2 <sup>nd</sup> degree:
Possession, etc Marijuana 2C:35-5(b)(10)(a)(b)	5lbs, >25 lbs mixture or  10, >50 plants	2 <sup>nd</sup> degree Crime:	25 lbs or more  50 or more plants	1 <sup>st</sup> degree Crime:
Hashish	1lb, >5lbs mixture		5 lbs or more	

**Marijuana/Cannabis in New Jersey**

While New Jersey law provides for some legal use of **regulated** marijuana/cannabis, marijuana/cannabis/marijuana products remain prohibited on all properties that are owned/controlled by Brookdale Community College. Federal authorities continue to enforce the federal laws that pertain to the illegal use distribution, etc of marijuana/cannabis products, and federal laws like the Jeanne Clery Act, the Controlled Substance Act, the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act all compel Brookdale to restrict marijuana/cannabis possession/usage.

This prohibition of marijuana **INCLUDES marijuana that is possessed for medical reasons.**

Persons who do possess/use/distribute marijuana/products on Brookdale properties are subject to College disciplinary/adverse actions.

#### **Drug Overdoses/Treatment in New Jersey**

New Jersey prohibits [via 2C:35-31 'Protections for Certain Persons Experiencing a Drug Overdose'] people from being arrested/charged/prosecuted for being under the influence of drugs when they are treated for an overdose/medical reaction. The MCSO is capable of providing an opiate overdose victim with an emergency antidote/naloxone.

[ See the 2022 Drug Enforcement Agency [DEA] 'Drugs of Abuse' Guide at [Drugs of Abuse \(dea.gov\)](https://www.dea.gov) ]

**Schedule Drugs:**

Substance	Quantity	Penalties	Quantity	Penalties
Cocaine	500-4999 grams, mixture	<p><b>1st Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 yrs or more than life. Fine of not more than \$5 million if not an individual, \$25 million if other than individual</p> <p><b>2nd Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p><b>First offense:</b> Not less than 10 yrs and not more than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>2<sup>nd</sup> offense:</b> Not less than 25 yrs. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base	28-279 gm mixture		280 gr or more mixture	
Fentanyl	40-399 gm mixture		400 gm or more mixture	
Fentanyl Analogue	10-99 gm mixture		100 gm or more mixture	
Heroin	100-999 gm mixture		1 kg or more mixture	
LSD	1-9 gm mixture		10 gm or more mixture	
Methamphetamine	5-49 gm pure or		50 gm or more pure or	
	50-499 gm mixture		500 gm mixture	
PCP	10-99 gm pure or 100-999 gm mixture	100 gm or more pure or 1 kg or more mixture		

**Other Federal Sanctions/Schedule Drugs:**

Substance	Quantity	Penalties
Other Schedule I + II drugs [and any drug containing Gamma Hydroxybutyric Acid]	Any amount	<b>1st Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.
Flunitrazepam	1 gram	<b>2nd Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any Amount	<p><b>1st Offense:</b> Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>2nd Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
All Other Schedule IV drugs	Any Amount	<b>1st Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual
Flunitrazepam	Other than 1 gm or more	<b>2nd Offense:</b> Not more than 10 yrs; Fine not more than \$500,000 if an individual, \$2 million if not an individual
All Schedule V Drugs	Any Amount	<p><b>1st Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>2nd Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

**Federal Marijuana Sanctions/Laws:**

Substance	Quantity	1 <sup>st</sup> offense	2 <sup>nd</sup> offense
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Marijuana	1,000 kg or more marijuana mixture or 1,000 or more marijuana plants	Not less than 10 yrs or more than life. If death or serious bodily injury, not less than 20 yrs, or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual	Not less than 15 yrs or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual
Marijuana	100 kg to 999 kg marijuana mixture or 100-999 marijuana plants	Not less than 5 yrs or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs, or more than life. Fine not more than \$5 million for an individual and \$25 million if other than an individual	Not less than 10 yrs or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, or \$50 million if other than an individual
Marijuana	More than 10 kgs hashish, 50 to 99 marijuana mixture; More than 1 kg of hashish oil; 50-99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs or more than life. Fine \$1 million if an individual, or \$5 million if other than individual	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual
Marijuana	Less than 50 kg marijuana [except 50 or more marijuana plants, regardless/weight] 1 to 49 marijuana plants	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual
Hashish	10 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual \$2 million if other than individual
Hashish Oil	1 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

- The minimum sentence for a violation after two or more convictions for a felony drug offense have become final is not less than 25 yrs imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

### 3. Health Risks Associated with the Alcohol Abuse or Use of Illicit Drugs.

- It is important to note that **ADDICTION** is a potential long-term effect of each of the following, including marijuana:

Substance	Also Known As	Short Term Effects	Longer Term Effects
Marijuana/Hashish/Cannabis	Pot, Weed, Chronic, Joint, Blunt	Impairment, Anxiety, Inability to Focus	Short term memory impairment, lessened mental capabilities, respiratory illnesses
Opioids	Heroin, Fentanyl, Oxy, Morphine, Vicodin	Impairment of coordination and mental capabilities, slowed abilities, hallucinations	Heart and liver disease, respiratory and circulatory emergencies, hepatitis, HIV
Cocaine	Blow, Candy, Charlie, Snow, Coke	Cardiac and respiratory emergencies, nose bleeds, seizures, loss of mental capabilities	Nasal tissue destruction, heart and lung damage, bowel decay, hepatitis/HIV, extreme weight loss
Methamphetamines	Crank, Crystal, Glass, Meth, Speed	Seizures, insomnia, hyperthermia, rapid heart beat	High blood pressure, heart disorders, extreme weight loss, seizures, brain damage
Hallucinogens/ [Methylenedioxyamphetamine] [MDNA]	Molly Ecstasy E, Mushrooms, PCP, LSD	Hallucinations, flashbacks, altered realities/ perceptions, increased blood pressure, anxiety, sexual arousal	Cardiac and respiratory disease, brain damage, flashbacks, hallucinations, depression
Nitrous Oxide	Laughing Gas Nitrous, Whippits, Nos	Reduced control/mental capacities, , weakness, fatigue, loss of coordination	Brain damage, nervous system damage, respiratory system illness

### Date Rape Drugs/Alcohol

- To follow are the Health Risks of Alcohol/Liquor and the most common date rape drugs. It is important to understand that other drugs can be used to facilitate a rape.



<b>Substance</b>	<b>Also Known As</b>	<b>Short Term Effects</b>	<b>Long term Affects</b>
<b><u>Rohypnol</u></b> [Has no taste or color-often placed in drinks. Starts to affect person within 30 minutes]	Roofies, Roaches, Forget-Me-Pill	Slowing responses and loss of inhibitions; dizziness, nausea, passing out	Seizures, brain damage, lessened mental capacities/memory loss, depression
<b><u>GHB</u></b> <b><u>[Gamma Hydroxybutrate]</u></b> [A liquid or powder that has no taste or smell. Starts affecting a person within 15-30 minutes]	Liquid X, G, Gina, Georgia, Home Boy, Goop, Easy Lay, Gamma Oh	Sense of euphoria/excitement, quickly followed by fatigue/stupor, loss of coordination, nausea, decreasing blood pressure and respirations and increasing sexual arousal	Seizures, memory loss, hallucinations, brain damage, anxiety, depression
<b><u>Ketamine</u></b> [A clear or off-white liquid that is often injected. Has no taste or smell. Begins to affect the person within 30 min]	Special K, Vitamin K, Super-K	Loss of coordination, hallucinations, delirium, nausea, increased heart rate, possible coma	Memory loss, delirium, flashbacks, brain damage
<b><u>Alcohol/Liquor</u></b> [Perhaps the most common date rape substance. Enters brain within a few minutes]	Liquor, beer, wine	Impairment/lack of coordination, impaired judgment, loss of consciousness, alcohol poisoning	High blood pressure, heart or liver disease, reduced mental capacities, depression, sexual dysfunction, birth defects

**4. Drug and Alcohol Programs/Resources that are available to employees or students.**

In accordance with the Regulations [3.9011R, 3.9006R, 2.6000R, 6.0003R] approved by the Board of Trustees of the College, and in accordance with local, State, and federal laws, the College declares that it will make every effort to provide its students with an environment that is free of the problems associated with the unauthorized use and abuse of alcohol and illegal drugs. Substance abuse issues are addressed through the offering of topical programs throughout the year in order to provide members of the College community with information concerning health risks, legal sanctions and the like.

The following drug and alcohol resources/programs were/are available:

**For Students:**

Brookdale Community College Counseling Department  
Counseling Hotline:  
732-224-2329 or x2329 from in-house

RWJ Barnabas Institute for Prevention and Recovery  
Monmouth County Case Management Program  
732-837-9427  
[‘Free Program to Quit Smoking or Vaping’ at BCC- Dates]

Monmouth County Division of Social Services  
Brookdale Community College Office at MAC 106  
732-224-1983

Prevention Coalition of Monmouth County  
[Educational resources and programming]  
732-663-1800 x2710

Monmouth County Division of Behavioral Health  
[Mental health and addiction services]  
3000 Kozloski Rd., Freehold, N.J., 07728  
732-431-6451

The Counseling Center at Freehold  
[Addiction services]  
4345 Rt 9 North, Freehold, N.J., 07728  
732-431-5300

Alcohol/Drug Abuse Hotline  
1-800-662-4357

Alcoholics Anonymous  
908-687-8566

Narcotics Anonymous  
800-992-0401

Marijuana Anonymous  
1-800-766-6779

Discovery Institute for Addictive Disorders  
80 Conover Rd, Marlboro, N.J., 077  
732-946-9444

Alliance to Prevent Alcoholism and Drug Abuse  
Middletown, N.J., 077  
732-615-2277

Preferred Behavioral Health STAR Program  
[Support team for Addiction Recovery]  
732-663-1800 x7186

**For Employees:**

Faculty/Employee Assistance Program:  
Employees can call Brookdale's Employee Assistance Program [E.A.P.] at 1-800-955-6422 ['Aetna']  
24/7.

Prevention Coalition of Monmouth County  
[Educational resources and programming]  
732-663-1800 x2710  
Monmouth County Division of Behavioral Health  
[mental health and addiction services]  
3000 Kozloski Rd., Freehold, N.J., 07728  
732-431-6451

The Counseling Center at Freehold  
[addiction services]  
4345 Rt 9 North, Freehold, N.J., 07728  
732-431-5300

Alcohol/Drug Abuse Hotline  
1-800-662-4357

Alcoholics Anonymous  
908-687-8566

Narcotics Anonymous  
800-992-0401

Marijuana Anonymous  
1-800-766-6779

Discovery Institute for Addictive Disorders  
80 Conover Rd, Marlboro, N.J., 077  
732-946-9444

Alliance to Prevent Alcoholism and Drug Abuse  
Middletown, N.J., 077  
732-615-2277

Preferred Behavioral Health STAR Program  
[Support team for Addiction Recovery]  
732-663-1800 x7186

RWJ Barnabas Institute for Prevention and Recovery  
Monmouth County Case Management Program  
732-837-9427  
[Running regular 'Free Program to Quit Smoking or Vaping' at BCC]

**5. Disciplinary Sanctions on Students and Employees for violations of the standards of conduct and a description of those sanctions, up to and including, expulsion and termination of employment and referral for prosecution.**

**For Students:**

In addition to any criminal penalties students may be subject to for drug/alcohol violations of law, the following College sanctions may be applied either singularly or in any combination as appropriate to the circumstances of each case:

- 1. Verbal Reprimand:** Verbal admonition against further violations.
- 2. Written Reprimand:** Written warning placed in student's file for having engaged in misconduct.
- 3. Restitution:** The obligation to replace or pay for property damaged to compensate for losses incurred or to provide a campus service as a result of a violation.
- 4. Conditional Probation:** Temporary loss of College rights and privileges until specified conditions are met, such as letters of apology, and/or doctor's releases, etc.

5. **Disciplinary Probation:** Loss of participation in College-related activities for a specified period of time. May also contain conditions to be met in order to be removed from probation.
6. **Fine:** Monetary sum imposed as a penalty for an offense.
7. **Community Service:** Assigned community service work to fit a particular violation of the Student Code of Conduct.
8. **Suspension:** Exclusion from all or specified classes and other College-related activities for a specified period of time.
9. **Expulsion:** Permanent dismissal from classes and college related activities.
10. **Summary (Temporary) Suspension:** Exclusion for all or specified classes and other College-related activities until due process can be completed. May be used by the Vice President of Student Affairs in the following instances:
  - A threat of safety to the student or College community,
  - A severe disruption of College activities, or
  - If a student refuses to respond to a summons to appear before the College's designated Student Conduct Officer or his/her designee.

BCC Regulation 6.3000R [Student Conduct Code and Academic Integrity] contains all Sanctions information as presented here, and details all that is needed to know about the Student Conduct violations and the Student Conduct process. Regulation 6.3000R, as well as the BCC Student Handbook, the Behavioral Intervention Team {BIT} purpose and reporting form, the Student Conduct reporting form, Regulation 6.0003R [Anti-Hazing], Regulation 3.9011R [Alcohol and Drug Abuse Prevention] and Regulation 2.6000R [Smoke Free College Environment] can all be found continually on the BCC website [College Regulations - Brookdale Community College \(brookdalecc.edu\)](http://brookdalecc.edu)

#### **For Employees:**

The College prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by any employee on its property or as any part of its activities. In addition to any legal criminal penalties that may be incurred as a result of alcohol/drugs violations, violators of the College's alcohol and drug policies and regulations may be subject to disciplinary action, up to and including termination.

Any employee convicted of violating any criminal drug statute occurring in the workplace or off premises while conducting school business must notify the Associate Vice-President, Human Resources, in writing, of said conviction no later than five [5] days of such conviction. The College must then notify, within ten [10] days, if appropriate, the Federal Agency that provided funds for the program in which the convicted employee is employed.

Employees who violate College policy and regulations regarding alcohol at work, while representing the College at off-campus events/activities, or for off-campus violations while conducting business off campus are subject to discipline in accordance with the 'Progressive Discipline' Regulation [3.9009R] policy, up to and including, termination.

Per the Brookdale 'Progressive Discipline' Policy:

- 1<sup>st</sup> Level/infracton: Supervisor will inform employee of the infracton.  
Judgment must be used to determine how serious the problem is. Some may be handled within the department or the division, while other more serious offenses must be immediately reported to law enforcement, Human Resources, or both. If there is doubt, Human Resources should be

contacted.

Upon informing the employee of the infraction, the supervisor will solicit a reason or response from the employee explaining their behavior. This meeting should be documented with notes of the important points of the conversation being taken. If the infraction is not part of a serious nature or part of a long-term pattern of problems, oral counseling may be given the employee with the advisement of corrective action and what is expected of them in the future. An email or memo to the employee, confirming the conversation will follow the in-person meeting.

- 2<sup>nd</sup> Level: If the infraction is of a more serious nature, or if the oral counseling did not resolve the problem, a supervisor may issue a 'Written Reprimand.' The Written Reprimand is given to the employee and a copy is sent to Human Resources for inclusion in the employee's personnel file. As this is a more serious disciplinary action, the representing association [if applicable] may have contract language concerning the Written Reprimand [sometimes referred to as a 'warning letter'] and the conditions of retention in the personnel file.
- 3<sup>rd</sup> Level : The third level of discipline is Suspension. If the first and second steps are taken and have not elicited corrective response or if the nature of the infraction is very 3.9009R serious, suspension is justified. Suspension for period of time without pay requires consultation with the Dean of Human Resources [or designated HR staff] for coordination with the appropriate Association, Payroll Office, Legal, and Senior Management to assure all are aware of the action. The period of time of suspension will depend on the nature and seriousness of the problem and will be determined during the consultation process. In the case of suspected fraud and/or criminal behavior, the documentation will be provided to General Counsel for review and recommendation prior to disciplinary action.
- 4<sup>th</sup> Level: The final Level of discipline is 'discharge'/termination. If the steps outlined do not correct the problem, or if the nature of the infraction warrants it, the employee will be terminated. Each situation will be handled individually and with the involvement of Human Resources and Counsel to insure all appropriate steps in the remediation process have been taken prior to discharge.
- Violations of the drug and alcohol regulations can be serious incidents, and if a serious incident occurs that warrants immediate and decisive action , the final step of discharge may be undertaken without the progressive steps having been taken. This may occur after consultation with the President and Counsel, and with notification by the president to the Board of Trustees Chair.

Per the Brookdale community College 'Drug Free Workplace' Regulation [3.9006R], all employees are notified that, as a condition of employment, they must abide by the terms of Section 1 of that Regulation. They are advised annually by means of a written/signed document. In addition to Regulation 3.9006R, 3.9011R [Alcohol and Drug Abuse prevention Regulation, 3.9006R [Drug Free Workplace] and 2.6000R [Smoke Free College Environment] are continually posted on the BCC website at [College Regulations - Brookdale Community College \(brookdalecc.edu\)](http://College Regulations - Brookdale Community College (brookdalecc.edu))

## **Firearms/Dangerous Weapons-Materials/Violations Policy**

Brookdale employees, students, and visitors are subject to all local, state and federal laws/ordinances with regards to the possession of firearms, dangerous weapons and related materials/supplies [eg-ammunition]. Brookdale Regulation 2.10000 [College Security] permits the MCSO [in 2023 and beyond] and law enforcement officers (including the Brookdale Police Department in 2022) to possess firearms and other authorized weapons on Brookdale grounds. Other BCC Regulations 6.3000R- [Student Conduct and Academic Integrity], 3.9008R [Code of Ethics], 7.1006R [Demonstrations By External Individuals, Groups, and organizations on Brookdale Campuses and Locations] , and 7.1000R [Community Use of Facilities, Grounds and Services] collectively prohibit the possession of firearms and dangerous weapons on College properties. All of these Regulations can be found on the Brookdale website. [College Regulations - Brookdale Community College \(brookdalecc.edu\)](https://www.brookdalecc.edu/regulations)