

**Fairleigh Dickinson University
Department of Public Safety
Florham Campus**

**Jeanne Clery Disclosure of Campus Security Policies
and Campus Crime Statistics Act**

Annual Report 2014

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires colleges and universities to disclose information about campus crime and security policies.

The Clery Act was signed into law in 1990 as the Crime Awareness and Campus Security Act of 1990. This act was spearheaded by Howard and Connie Clery after their daughter was murdered at Lehigh University in 1986. Amendments to the act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires colleges and universities to:

- publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements
- discloses crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non campus facilities. The statistics must be gathered from campus police or Public Safety, local law enforcement, and other University officials who have significant responsibility for student and campus activities.
- Provide “timely warning” notices of crimes that have occurred and pose an ongoing threat to members of the campus community.
- Disclose in a public crime log any crime that has occurred on campus or within the patrol jurisdiction of the campus Public Safety department and is reported to campus police or Public Safety department.

Fairleigh Dickinson University Florham Campus Department of Public Safety is responsible to prepare and distribute the report for the campus. This report is also available on the Fairleigh Dickinson University website at www.fdu.edu.

Members of the Florham Campus community are sent a notice that describes the report and the web address. For a paper copy of the report, contact the Department of Public Safety at 973- 443-8928 or email Director: wthornto@fdu.edu or Assistant Director: 973-443-8891 or email jv@fdu.edu.

Department of Public Safety

The safety and security of the campus and campus community members are the responsibilities of the Department of Public Safety. The department, under the direction of a campus director and assistant director, consists of 33 full time staff members; (1) captain, (6) sergeants, (19) officers (1) dispatcher, (1) clerk, (1) administrative assistant and (1) locksmith.

Public Safety personnel patrol the campus 24 hours a day, 365 days a year on foot, golf carts, motor vehicles and bicycles. The dispatch the area is staff around the clock.

The Department of Public Safety members are non sworn university employees who do not have police or arrest powers. Criminal incidents are referred to local police, who have jurisdiction over acts of crimes on campus.

Public Safety officers attend a full week of training through the department's in house training academy which provides officers with a basic understanding of campus environment and culture. Public Safety Officers are also trained by (CUPSA) Colleges and Universities Public Safety Association is an organization of the 59 NJ colleges and universities where best practice policies and procedures are shared and practiced. During CUPSA training, 40 hours consist of every aspect of safety and security such as report writing, patrol, customer service, confidentiality, respect, professionalism, medical assist, Clery and Title IX best practices as well as crime prevention. In addition officers attend advanced training courses either on campus or at local police academies. All officers are trained in first aid, CPR and AED.

Fairleigh Dickinson University Florham Campus Department of Public Safety has excellent working relationships with Florham Park Police, Madison Police and Fire departments as well as county and state agencies. Information is shared between the departments in an effort to maintain a safe campus environment. Local police officers are contracted to work at various University events throughout the year. Department of Public Safety does have a verbal MOU with the local police.

At the request of any victim, the Department of Public Safety will provide assistance by contacting the local police. In all cases, a report will also be maintained at the Department of Public Safety office.

Reporting of Crimes or other Emergencies

The policies of Fairleigh Dickinson University Florham Campus, which are enforced by the Department of Public Safety, are made known to students, faculty and staff either through the Employee Handbook, or the Student Handbook.

To report any crime, emergency or campus violation, call the Department of Public Safety at 973-443-8888 or 66 if using an internal campus telephone or come to the Department of Public Safety at 285 Madison Avenue, Madison, NJ 07940, the Barn-M-BB1-01. Crimes should be reported to the Department of Public Safety as soon as possible for the purpose of making timely warning reports and the annual statistical disclosure. Whenever making a report, please provide a full account of the type of incident, who was involved, what type of incident it was, where it took place, when it took place, any electronic images and why it may have occurred. Also try to provide witnesses or descriptions. In response to reported crimes, the Department of Public Safety will respond and take a report and will investigate all reported incidents, when deemed appropriate, and some reports are forwarded to Dean of Students office at Fairleigh Dickinson for review and actions. In any instance where you witness any serious crime, emergency or other safety or life threatening situation, please call 911. Fairleigh Dickinson community members are encouraged to accurately and promptly report all crimes and emergencies to the Department of Public Safety or appropriate law enforcement agency.

A. Timely Warnings

In the event that a dangerous situation arises, either on campus or off campus, in the judgment of Fairleigh Dickinson University Florham Campus Administration, that constitutes a threat which may be on going or continuing threat, a “timely warning” will be issued. The warning will be issued through the University “FDU Alert/Send word now.net” system to students, faculty, and staff members and to all who registered to be notified in an emergency through SMS text messaging, mobile phones, PA systems, door to door, flyers. This system is developed by Fairleigh Dickinson University Emergency Management Team.

Members of the University Management Team are designated as “authorized users” including Campus Provost, University IT, University Public Relations, Campus Director and Assistant Director of Department of Public Safety.

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, criminal homicide, and robbery. Cases of aggravated assault and sex offences are considered on a case by case basis, depending on the facts of the case and the information known by Department of Public Safety. Example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to others Fairleigh Dickinson University community

members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offences will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Department of Public Safety.

The Director of Department of Public Safety or designee reviews all reports to determine if there is a serious or on-going threat to the community and if the distribution of a Timely Warning is warranted. The Timely Warning is sent by Director of Department of Public Safety or his/her designee on other crime classifications, as deemed necessary because there is a threat to the campus community.

The Timely Warnings will be distributed to the campus using some of the following systems: the FDU Alert system-Send-Word –Now, voice mail or telephone notification, email, text messaging, posted notices, public address announcements, and direct contact with individuals and may also be posted on University website.

System used	Message Creator	Backup Creator	Approval of Message/sending	Primary Sender	Backup Sender
FDU Alert	EMT	Director PS	Provost	Director PS	A.D PS
Back Up					
Voice mail	EMT	Director PS	Provost	IT	IT
Telephone	EMT	Director PS	Provost	IT	IT
Email	EMT	Director PS	Provost	IT	IT
PA	EMT	Director PS	Provost	PS	PS
Notices posted	EMT	Director PS	Provost	PS	PS

B. Confidential Reporting

Any member of the campus community may report violations of the law or other matters of concern to the Department of Public Safety. All reports received will be investigated.

Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Department of Public Safety officer can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the university 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.

C. Preparing the Annual Security Report

The Director of Public Safety is responsible to obtain, review and report all the needed aspects of the annual report. Crime statistics are gathered for the buildings owned or controlled by Fairleigh Dickinson University Florham Campus and used for educational purposes from local law enforcement agencies, campus offices and campus security authorities.

The Clery Act designates “Campus Security Authorities” who are responsible for notifying the reporting structure of the institution about crimes they have learned about from persons believed to be acting in good faith. At Fairleigh Dickinson University Florham Campus, “Campus Security Authorities” must report these crimes to the Director of Department of Public Safety, who has been identified as the reporting structure of the University. “Campus Security Authorities” include Public Safety Personnel, staff members who have “significant responsibility for student and campus activities, including but not limited to student housing staff, student discipline officers, advisors to student organizations, and athletic directors/coaches.

All crime statistics are listed for public including crime information obtained from local law enforcement agencies and campus security authorities. When reporting criminal offenses, obtain title, location, contact information and as much details as possible.

D. To whom Crimes should be Reported

The Clery Act requires that persons designated as “Campus Security Authorities” notify the institution about crimes they have learned about from persons believed to be acting in good faith. At the Florham Campus of Fairleigh Dickinson University, “Campus Security Authorities” must report these crimes to the Director of Public Safety. Fairleigh Dickinson University has deemed all employees as “Campus Security Authorities”.

Professional Counselors, Licensed Nurses and Pastoral Counselors

Campus Professional Counselors, Licensed Nurses and Campus Pastoral Counselors, when acting as such, are not considered to be “Campus Security Authorities” and are not required to report crimes to be included in the annual report of crime statistics. These persons are encouraged to inform persons being counseled of all the procedures in place to report crimes on a voluntary confidential basis to be included in the annual report of crime statistics. Fairleigh Dickinson University also encourages Professional Counselors, Licensed Nurses and Pastoral Counselors to report all crimes which they become aware of. This can be done without identifying any of the individuals involved if they wish to have their identity remain confidential but it makes other members of the campus community aware of the crime.

The Clery Act defines counselors as follows:

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning in the scope of his/her license or certification. At Fairleigh Dickinson University College at Florham, this means all counselors employed in wellness Center Counseling as well as any consulting psychiatrist.

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. At Fairleigh Dickinson University this means all clergy or others appropriately recognized as fitting that definition that is associated with Campus Ministry.

Voluntary Confidential Reporting:

Florham Campus does have a volunteer confidential reporting of crimes. In the event the disclose wish to remain anonymous, the report will omit their name however, will proceed with an investigation of crime. Must be reported the Director of Department of Public Safety.

Monitoring and recording criminal activity at off campus locations

The Department of Public Safety through the close working relationships with local law enforcement also deals with crimes and other serious incidents that occur off campus that may involve a Florham Campus student. The Department of Public Safety will promptly act on any information that is received from an outside agency concerning members of the Fairleigh Dickinson University community and will conduct an investigation on information received. Findings of that investigation concerning student misconduct will be forwarded to the appropriate campus office, Dean of Students, for any disciplinary action. This includes any students engaged in

crimes and incidents at off campus locations of student organizations officially recognized by Fairleigh Dickinson University, as well as any student organizations with off campus housing facilities.

Campus Daily Crime Log

The Clery Act requires that the campus maintain a daily Crime Log covering the most recent 60 day period. The Florham Campus daily Crime log is located in the Department of Public Safety headquarters and is available for viewing during normal business hours, 365 days a year. The log contains information about the nature of the reported crime, the date and time the crime occurred, the general location and the disposition of the incident. All crimes not just Clery Act reportable crimes are entered into the log. Log entries must be made within 48 hours of the report being made to the Department of Public Safety. There are two exceptions when entries are excluded from the log, the first when the disclosure is prohibited by law and the second if the disclosure would jeopardize the confidentiality of the victim. There are also four cases where information may be temporarily withheld from the log. This withholding can only take place when there is clear and convincing evidence that the release of the information would (1) jeopardize an ongoing investigation: or (2) jeopardize the safety of an individual: or (3) cause a suspect to flee or evade detection: or (4) result in the destruction of evidence. Any requests for crime logs past the current 60 day period will be provided within two business days.

Security of and Access to Buildings and Facilities

During normal business hours, the university (excluding residence halls housing) will be open to students, parents, employees, contractors, guests and visitors.

Campus academic buildings are usually open from 7:00am-11:00pm, Monday through Friday. Office buildings are usually open from 9:00am-5:00pm, Monday through Friday. The hours of operation of the buildings may vary due to events and activities and access to any buildings after hours and on weekends is limited unless there are classes or other authorized functions being held.

Residence Halls are locked 24 hours a day and only open to students registered to live in the building and any guest they have registered. Residence halls are accessed by using a swipe card. Public Safety conducts security patrols and electronic tours of all campus buildings and University identification must be provided upon request. The officers report any security concerns, such as malfunctioning lock mechanisms so they are promptly repaired.

Maintenance of Campus Facilities

Fairleigh Dickinson is committed to maintaining and enhancing the safety and security of the campus grounds and buildings. The Department of Public Safety and Campus Facilities conduct inspections to address malfunctioning security issues such as burned out lights or broken door locks. University community members are encouraged to report any physical security issues in need of maintenance to the Department of Public Safety or Campus Facilities.

Emergency Response

The University's incident Manual includes information about Incident Teams; University operating status parameters; incident priorities and performance expectations; shelter in place and evacuation guidelines; and local contingency and continuity planning requirements. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts numerous unannounced emergency response exercises each year, such as table top exercises, field exercises and monthly tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Situations involving "active shooters" and "active threats" are a serious concern for our nation's university and college campuses. An "active threat" situation can happen anywhere beyond campuses and schools, including malls, businesses, special events, and within workplace. Fairleigh Dickinson University Florham Campus' Department of Public Safety has conducted training with neighboring law enforcement agencies to provide an effective response to active threat situations. The University has an Emergency Operation Plan that will guide and support the campus during such an event. The following information is presented to assist members of the campus community with their individual awareness and preparation. We pride ourselves on working with our community in order to provide a safe environment in which our students, faculty, and staff can study, conduct research, and work. Individual preparation and awareness is an important factor in working together.

Notification to the Fairleigh Dickinson Community about Immediate Threat

The Department of Public Safety receives information from various offices/departments on campus, such as the Emergency Management Team and the Behavior Intervention Team. If the Department of Public Safety confirms (with the assistance of key campus administrators, local first responders or National Weather Service) that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Fairleigh Dickinson community. The Department of Public Safety will collaborate to determine the content of the message and will use some or all of the systems described below to

communicate the threat to the Fairleigh Dickinson community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Department of Public Safety will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification system, unless issuing a notification will, in the judgment of the professional judgment not Be responsible authorities and first responders (including, but not limited to: The Department of Public Safety, Florham Park and Madison Police and/or otherwise mitigate the emergency.

Some or all of the systems listed below will be used to provide follow-up information to the campus community.

In the event of a serious incident that poses an immediate threat to members of the Fairleigh Dickinson community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the Fairleigh Dickinson campus community. These methods of communication include emergency text messages (FDU Alert/Send Word Now.net) that can be sent to a phone or PDA (individuals can sign up for this service on the Department of Public Safety website. To sign up to be notified of campus emergencies, visit the FDU website and click on FDU Alert iron which links to a dedicated webpage containing updated information.

System to use	Primary Message Creator	Backup Message creator	Authority approving & sending	Primary message sender	Backup message sender
Primary	EMT	Provost	Provost	Director PS	A.D. PS
FDU Alert	Director	Provost	Provost	Director PS	A.D. PS
Text msg.	EMT	IT	Provost	IT	IT
FDU phone	EMT	Provost	Provost	IT	IT
Email msg.	EMT	IT	IT	IT	IT
Secondary					
Website	IT	IT	Provost	IT	IT
PA system	EMT	Public Safety	Provost	Director P/S	A.D. P/S
Post notices	EMT	Public Safety	Provost	Public Safety	Public Safety

- *EMT (Emergency Management Team)
- *PS (Public Safety)
- *A.D. PS (Assistant Director Public Safety)
- *IT(Computer Services)

Fairleigh Dickinson community members are encouraged to notify the Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or on-going threat to the health and safety of students and/or employees on campus. Fairleigh Dickinson Department of Public Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation. In addition, the Fairleigh Dickinson Department of Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of student, faculty or staff occurring on campus.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Department of Public Safety at 973-443-8888 or 66 from a campus phone.

1. Remain calm
2. Do not use elevators, use stairs
3. Assist the physically impaired. If he or she are unable to exit without using the elevators, secure a safe location near a stairwell, an immediately inform Department of Public Safety or the responding fire department of individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

SHELTER IN PLACE: WHAT IT MEANS TO SHELTER IN PLACE

Sheltering in provides protection from external hazards, minimizes the chance of injury and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors, take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Active Shooter
- Severe weather
- Hazardous material
- Civil unrest
- Hostage situation
- Or any situation where it is best for you to stay where you are to avoid any outside threat.

When this occurs:

1. Remain calm
2. Faculty should recommend to students and others not to leave and not go outside
3. If you are in dorm rooms, remain there
4. Select a small interior room with no or few windows, exterior doors, and any other openings that lead to the outside.
5. Close and lock all windows, exterior doors, and any other openings that lead to outside.
6. Stay away from all windows, doors.
7. Campus Facilities department personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.
8. If you are told there is danger of explosion, close the window shades, blinds, or curtains.
9. Select interior room(s) above the ground floor, with the fewest windows or air vents.
10. Rooms(s) should have adequate space for everyone to be able to sit down comfortably.
11. Avoid overcrowding by selecting several rooms when necessary.

FOR SEVERE WEATHER AND CIVIL UNREST

1. Stay inside and move away from windows.
2. Close and lock all exterior doors and offices.
3. For extreme weather, relocate to lower levels in the building.

FOR EXTERNAL CHEMICAL, BIOLOGICAL OR RADIOLOGICAL INCIDENTS:

1. Stay inside and move to an inner corridor or office.
2. Campus Facilities personnel may shut down all building ventilation fans and air conditioners, when necessary and appropriate.
3. Since many chemical agents are heavier than air, and tend to hold close to the ground, move to higher levels of the building if possible to reduce the transfer of contaminated air from outside to inside.
4. Remain alert for instruction and updates as they become available from the emergency personnel and university administrators.

Crime Prevention Education and Security Awareness

The Department of Public Safety at the College at Florham of Fairleigh Dickinson University is responsible for assisting people in maintaining their safety and security. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and security and the security of others. All members of the campus community have to assist themselves from becoming a victim of crime by following basic crime prevention practices.

- Walk and park in well lighted areas
- Always lock your room or office
- Do not prop any doors open
- Never leave valuables unattended
- Do not take unnecessary chances
- Report suspicious persons, vehicles or behavior

In an on going effort to prevent crime on the campus, the Department of Public Safety offers several programs and services:

- Operation Identification
- Night Time Safety Escort Service
- Distribution of brochures and pamphlets on crime prevention information
- Emergency Telephones
- Rave Guardian Alert
- Department web page with tips and information
- Building Security Surveys
- Surveillance Cameras
- Lighting and grounds safety surveys
- Guard Tour System
- Fire Equipment Checks

SECURITY AWARENESS PROGRAMS

In addition, the Department of Public Safety provides security awareness and crime prevention presentations and training to members of the campus community;

- Driver Training – Done throughout the year
- Orientation Sessions – Done at all new student orientation sessions
- Resident Assistant Training – Annual
- Hall Security Assistant Training – Annual
- Fire Drills – Twice Yearly
- Wellness Fair – Annual
- Safe Spring Break – Annual
- Alcohol Awareness Week – Annual
- Posting of crime prevention tips and notices – Monthly
- International Student Fair – Twice Yearly
- Freshman Seminar
- Resident Assistant Program Speakers

During the 2012-2013 academic year, the Department of Public Safety conducted Fire Awareness Program with Florham Park Fire Department as well as a guest speaker, Shawn Simmons (victim of Seton Hall Fire);

Local Fire and Police Departments along with Department of Public Safety sponsored a full scale fire drill in the residence halls;

Crime Prevention unit set up weekly tables in the Student Center with information on fire, personal safety and handed out brochures;

Department of Public Safety and Residence Life conducted workshop on the effects of abusing alcohol. Students wore goggles while driving golf carts and sobriety tests were given;

Alcohol Awareness presentation in Freshman Seminar classes;

Workshop presented by Department of Public Safety on alcohol awareness presented by Timothy Shoemaker, Ramsey Police Department.

Tabletop exercises for students, staff and faculty on ice storms, bomb threats, building collapse, and airplane crash;

Conduct personal safety presentations to departments;

Title IX and Clery training for CSA's;

Co-sponsor alcohol free events with residence assistants

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND
CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE
AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

Fairleigh Dickinson University (“the University” or “FDU”) does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Fairleigh Dickinson University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, the University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of the University’s policy governing sexual harassment, to include sexual violence, visit <http://fdu.edu/hr/nondiscriminationandantiharassmentpolicy.pdf>. The policy applies to all employees and students of FDU as well as third parties.

Conduct procedures specific to students as the accused in sexual harassment cases may be accessed by visiting the Student Code of Conduct, at <http://www.fdu.edu/studentlife/2013/5469.pdf>

To report an incident of sexual misconduct, you can call, write or visit FDU’s Title IX Coordinator, Rose D’Ambrosio, Associate Vice President of Human Resources, (email dambrosi@fdu.edu, (telephone)

(201) 692-2706. The Associate Vice President of Human Resources is located in Dickinson Hall on the Metropolitan Campus.

A. Definitions

There are numerous terms used by Fairleigh Dickinson University in our policy and procedures.

Consent is not defined in New Jersey criminal law. Our Student Code of Conduct does define consent as the following: A person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. Individuals that fall into "the duty to care" category would include parents or guardians, and those in any type of formal supervisory role. If individuals are between the ages of 13 and 15 they can legally consent to sexual activity with a partner who is not more than 4 years older than themselves.¹⁶

An individual who is physically or mentally impaired, generally, cannot give consent to sexual activity. Physical or mental impairment includes: visual, speech or hearing impaired, a person with a cognitive impairment; a person who is unconscious or sleeping; or a person who is voluntarily or involuntarily under the influence of alcohol or other substance(s).

Sexual Assault: "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as 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 is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

New Jersey Criminal Statute – Sexual Assault

2C:14-1 Definitions

- a. "Actor" means a person accused of an offense proscribed under this act;
- b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;
- c. "Sexual Penetration" means vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant to the question of commission of the crime;
- d. "Sexual Contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;
- e. "Intimate Parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock, or breast of a person;
- f. "Severe Personal Injury" means severe [bodily injury](#), disfigurement, disease, incapacitating mental anguish or [chronic pain](#);
- g. "Physically Helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;
- h. "Mentally Defective" means that condition in which a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of provided consent;
- i. "Mentally Incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge of consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;
- j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C: 13-5(1), (2), (3), (4), (6) and (7).

2C: 14-2a Sexual Assault

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; or c. the actor is a foster parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson, or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(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. - 2C: 14-2b,c Sexual Assault

b. An actor is guilty of sexual assault if he or she commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least 4 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 one whom the actor knew or should have known was physically helpless, mentally defective, or mentally incapacitated;

(3) 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;

(4) 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 over the victim; or c. the actor is a foster parent, a guardian, or stands in loco parentis within the household;

(5) The victim is at least 13 but less than 16 years old and the actor is at least 4 years older than the victim.

2C:14-3a Aggravated Criminal Sexual Contact

a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any circumstances set forth in 2C:14-2a (2) through (6) - See above.

2C:14-3b Criminal Sexual Contact

a. 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 2C:14-2a (1) through (5) - See above.

2C:14-4 Lewdness

a. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who would be affronted or alarmed.

b. A person commits a crime of the fourth degree if:

(1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.

(2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct.

c. As used in this section: "lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

Domestic Violence: The term "domestic violence" means 1) Felony or misdemeanor crimes of violence committed—

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) 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

(v) 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.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

NJ criminal law also defined and prohibits domestic violence. 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.
 - a. A victim may be below the age of 18.
 - b. The domestic violence assailant must be over the age of 18 or emancipated at the time of the offense.

Dating Violence: The term "dating violence" means violence committed by a person 1)who is or has been in a social relationship of a romantic or intimate nature with the victim and

2)The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Relationship Defined in NJ criminal law:

1. A victim of a dating relationship may be below the age of 18.

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

3. The New Jersey law does not list any criteria by which an officer can determine what is and what is not a dating relationship. This provision should be liberally construed. If the officer is in doubt about a particular relationship, the officer should review the matter with the officer's supervisor, the department's legal advisor or the on-call judge.

To assist the supervisor, legal advisor or judge in making this determination, the officer should obtain such information as:

- the length of time of the relationship
- the type of relationship
- the frequency of interaction between the parties, and
- if the relationship has been terminated by either person,
- the length of time elapsed since the termination of the relationship.

Stalking: The term "stalking" means 1) engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- 1) fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress.

2. For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts 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.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

NJ criminal law defines stalking as:

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.

b. 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.

c. 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.

d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

e. 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.

f. This act shall not apply to conduct which occurs during organized group picketing.

B. Education and Prevention Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of New Jersey and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;

- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials as well as mandatory online training to new students; participating in and presenting information and materials during new employee orientation; and the distribution of materials and programming on an on-going basis to all employees and students.

The University offered the following **primary prevention and awareness programs for all incoming students** in 2014:

- First Year Student Orientation; S, SA, DoV, DaV
- Transfer Orientation: S, SA, DoV, DaV
- Freshman Orientation: 8/21; S, SA, DoV, DaV
- New Student Move In, Alcohol & You

DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, and C means Consent

The University offered the following **primary prevention and awareness programs for all students** in 2014:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
REAL Conversations	11/23	Monninger Center	DaV, SA & S
Choices	10/19	Hartman Lounge	SA, S, C
Condoms give aways	daily	Student Center, Wellness Center	DaV, SA, S, C
The Truth about Molly	5/12	Twombly Lounge	C, DaV, DoV, SA
			C, DaV, DoV, S
Alcohol Training	3/24	Library Lawn	C, DaV, DoV

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, and C means Consent

The University offered the following **ongoing awareness and prevention programs** for **students** in 2014:

Ongoing awareness programs for incoming students:

- Spring 2014; 3 sections of freshman seminar; DoV, DaV, SA & S
- Fall 2014; 32 sections of freshman seminar; DoV, DaV, SA & S
- Spring 2014; 1 transfer seminar; DoV, DaV, SA & S
- Fall 2014; 1 transfer seminar; DoV, DaV, SA & S
 - ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, and C means Consent

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Section B a-e?</u>	<u>Which Prohibited Behavior Covered?</u>
Employee Orientation	ongoing	Dickinson Hall	Yes	DoV, DaV SA, S

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

C. Procedures for Reporting a Complaint

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement. Students should also contact the Dean of Students and employees should contact Human Resources.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Morristown Medical Center.

Morristown Medical Center	Madison Avenue, Madison NJ 07940	(973) 971-5000
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In New Jersey, evidence may be collected even if you chose not to make a report to law enforcement and the professionals at Morristown Medical Center are certified Sexual Assault Nurse Examiners (SANE) trained to collect forensic evidence from victims of sexual assault (and do so in a special confidential setting within the hospital.) It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. The local police department to the Florham campus is the Florham Park Police Department located at 111 Ridgedale Avenue, Florham Park, NJ 07932. They may be contacted by dialing 9-1-1 or via their general business line at 973- 377-2200 or online at <http://www.fppd.net>

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Office of Public Safety or a Title IX Coordinator or investigator by calling, writing or coming into the office to report in person and to law enforcement (if the victim so desires.) The University will provide resources, on campus off campus or both, to include medical, health, counseling, victim advocacy, legal assistance, ad visa to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with

Campus Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow as well. The standard of evidence that will be used during any student judicial hearing on campus arising from such a report is preponderance of the evidence.

Incident Being Reported:	Procedure FDU Will Follow:
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties 6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate 7. Institution will provide written instructions on how to apply for Protective Order 8. Institution will provide a copy of the Prohibited Discrimination, Harassment and Related Misconduct to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

D. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In New Jersey, a victim of domestic violence, dating violence, sexual assault or stalking has the right to information about the criminal justice system, compensation, court proceedings, offender release, medical treatment, and the status of investigations. For a complete list of all of the rights afforded to crime victims in the State of New Jersey, visit <http://www.state.nj.us/lps/dcj/agguide/victims.htm> Further, New Jersey affords certain rights to campus sexual assault victims as noted below.

NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM’S BILL OF RIGHTS

The State of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to

insure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

BILL OF RIGHTS NJSA18A:61E-1 et.seq.:

The following Rights shall be accorded to victims of sexual assault that occur:

- On the campus of any public or independent institution of higher education in the State of New Jersey, and
- Where the victim or alleged perpetrator is a student at that institution, and/or
- When the victim is a student involved in an off-campus sexual assault.

HUMAN DIGNITY RIGHTS:

- To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy
- To have any allegations of sexual assault treated seriously; the right to be treated with dignity • to be free from any suggestion that victims are responsible for the commission of crimes against them to be free from any pressure from campus personnel to:
 - Report crimes if the victim does not wish to do so
 - Report crimes as lesser offenses than the victim perceives the crime to be
 - Refrain from reporting crimes
 - Refrain from reporting crimes to avoid unwanted personal publicity

RIGHTS TO RESOURCES ON AND OFF CAMPUS

- To be notified of existing campus and community based medical, counseling, mental health and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities • To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling to be informed of and assisted in exercising:
 - Any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus and/or pregnancy • any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases

CAMPUS JUDICIAL RIGHTS

- To be afforded the same access to legal assistance as the accused
- To be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused
- To be notified of the outcome of the sexual assault disciplinary proceeding against the accused

LEGAL RIGHTS

- To have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities

Alcohol and Drug Policy

Many students already have used alcohol by the time they arrive on campus. Some students have only limited experience with the effects of alcohol. Many already have had problems related to alcohol use. A third group of students have not used alcohol at all. For each of these groups of students, it is important to establish and follow personal guidelines for choices about alcohol use and nonuse.

As you think about your choices, it is helpful to remember that there are benefits to using alcohol safely and wisely and benefits from abstaining from alcohol use. For many people, alcohol is a complement to social events, good food and conversation with friends or family. For others, alcohol may be part of family tradition or ritual. Some people simply like the taste of wine with a meal or a cold beer on a hot summer after noon. Abstaining from alcohol also has benefits. Alcohol-free lifestyles allow people of all ages to be free to grow in their ability to manage stress and develop life skills without the interference of alcohol. People who abstain have no risk of developing alcoholism. For those with a family history of alcoholism, a choice to remain abstinent will help break the cycle of addiction. Lastly, abstinence from alcohol is a lifesaving choice for people recovering from chemical dependency. Choosing to use or not to use alcohol is a personal choice for which each student is responsible. At any age, we are responsible for the consequences of our decisions. For example, nationwide a high percentage of date or acquaintance rapes on campus are alcohol-related.

Alcohol use affects judgment and can result in vandalism and aggressive or even violent behavior. Sexually transmitted diseases and unplanned pregnancies occur more often when judgment is impaired by alcohol. Driving after drinking can result in legal hassles and crashes causing serious injury or death. For students, excessive alcohol use is a major factor in academic problems. Many times people who have been drinking too much say and do things that can hurt people they care about or love. College is a time for developing relationships and alcohol can make that difficult.

Guidelines:

Safe and wise choices about using or abstaining from alcohol will enhance health and reduce the risk of experiencing the wide range of alcohol-related problems that some college students have experienced.

Here are a few guidelines to help you think about your choices:

1. The use of alcohol is a personal choice.

No one should feel pressured to drink or be made to feel uneasy or embarrassed because of a personal choice. However, peer pressure and internal pressure to fit in and successfully integrate into the college scene can exist. Many people will choose to use alcohol safely, moderately and appropriately. Others will simply have no desire to experience the effects of alcohol. A small percentage of students

may use alcohol unsafely or appear to use it excessively. Everyone has the right to decide how they want to use, or not use, alcohol. If a student feels he/she is struggling with this decision or the pressure of self/others, he/she can always speak to his/her resident assistant or a counselor at the Wellness Center.

2. Alcohol use is not essential for enjoying social events.

The real value of parties and other social activities is meeting new people, being with friends and taking time out from the pressures of school and work. Drinking alcohol should not be seen as a necessary component for having fun and being with friends. If alcohol is used, it can be an enjoyable complement to other activities, not the only reason for socializing. Actually, focusing on alcohol use as the main reason for a party can result in intoxicated people who get sick, cannot carry on a conversation and usually aren't much fun to be with after a while.

3. Know when to abstain from alcohol.

- When under the legal drinking age
- When pregnant or breastfeeding
- When operating equipment: cars, motorcycles, boats, firearms, machinery, etc.
- When studying or working
- When performing in fine arts or competing in athletics
- When taking certain medications

Each of these situations presents specific risks and is times when alcohol use should be avoided. As caring friends, we can help each other choose not to use during these times.

4. Drinking that leads to impairment or intoxication is unhealthy and risky.

Getting drunk is not a condition to be admired, laughed at or taken lightly. Rude, destructive or just plain foolish behavior triggered by alcohol use is socially unacceptable. It also may indicate an alcohol-use problem. Drinking games often result in drunkenness and can present serious risks for those involved. Alcohol poisoning is a potentially fatal condition that is the result of drinking too much, too fast. Warning signs of alcohol poisoning are vomiting, slow or irregular breathing (less than 8–12 breaths per minute or more than 10 seconds between breaths); cold, clammy skin, bluish-skin color or paleness; mental confusion, stupor, coma or unable to rouse a person; no response to pinching the skin; and/or seizures. A person seeing or knowing anyone with these signs must get help immediately.

5. Know personal limits of moderation.

Everyone who chooses to drink alcohol should know his or her personal limit of moderation. It is important that each person set the limit before having any alcohol. It is also important to know a few facts about alcohol and its effects before establishing personal limits.

- Drinking on an empty stomach can have a greater effect on judgment and behavior than expected.

- Alcohol's effects can be greater than expected when a person is feeling tired, stressed out, angry, lonely or other strong emotions.
- Because of differences in body composition and chemistry, females are affected more than males of equal weight after drinking the same amount of alcohol.
- The effects of alcohol vary with body weight and the strength and number of drinks.

6. There are ways to minimize health and safety risks when serving alcohol.

Examples include:

- Emphasize other activities besides drinking.
- Offer a variety of attractive nonalcoholic drinks that are easily available.
- Provide a variety of foods.
- Be sure to have designated drivers who abstain from alcohol.
- Inform guests whether beverages such as punch contain alcohol.
- Stay alert and assume responsibility for helping a guest who may have had too much to drink.
- Create an environment that allows guests to feel comfortable making a personal choice about alcohol use or nonuse.
- Avoid drinking games that can quickly lead to intoxication.

7. Avoid situations where someone else's alcohol or other drug use may put you at risk.

- Make an alcohol-intake plan for the day/evening ahead of time and stick to it. Think about the goal ahead of time and how to achieve it.
- Make a plan for getting to and from an event.
- Eat before drinking, and eat while drinking.
- Space and pace the drinks.
- Drink water between drinks.
- Avoid drinking games.

8. What to Do on the Florham Campus

- If you have questions about developing your own personal guidelines;
 - If you are concerned about someone else's use/abuse of alcohol; or
 - If your life already has been affected by alcohol-related problems:
- The Wellness Center Student Counseling, 973-443-8535, serves as a campus resource to assist you with questions about psychoactive substance use and abuse. You can drop in or schedule an appointment. (An appointment is recommended as you can talk privately without interruption.) All conversations are strictly confidential and focus on offering information, sharing feelings and making you feel comfortable in exploring your choices and personal guidelines. Counseling and treatment for alcohol and drug abuse is available through the Wellness Center (Student Counseling) and off-campus sources.

The possession, sale or the furnishing of alcohol on the University campus is governed by Fairleigh Dickinson Alcohol Policy and the New Jersey State law. The Department of Public Safety enforces University policies surrounding the possession, use, sale, underage consumption or furnishing of alcohol are enforced

by the Department of Public Safety and referred to the Dean of Students office for appropriate sanctions. Local Police may issue summons for underage consumption.

9. Alcohol Violations

I.2C:33-15 Possession or Consumption of Alcoholic Beverage by Person under Legal Age

- Knowingly possesses without legal authority or knowingly consumes an alcoholic beverage in any school, public or private conveyance, public place, public assembly or motor vehicle.

—Disorderly Persons Offense (not less than \$500.00 fine)*

—In addition to the sentence authorized from the offense, the court shall suspend or postpone for six months the driving privileges of the defendant.*

II.2C:33-16 Possession of Alcoholic Beverage on School Property

- Any person of legal age to purchase alcoholic beverages, who knowingly and without express written permission of the school board, its delegated authority or any school principal, brings any alcoholic beverage on any property used for school purposes, which is owned by any school or school board.

—Disorderly Persons Offense

III.2C:33-17 Offering Alcoholic Beverages to Underage Person

- Purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage.

—Disorderly Persons Offense

10. General Requirements of the Drug-free Schools and Communities Act: Amendments of 1989

The Drug-free Schools and Communities Act Amendments of 1989 (the Act) requires an institution of higher education, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students (and employees). The following describes the Act's provisions as applied to students.

As part of its drug prevention program for students and employees, Fairleigh Dickinson University annually distributes in writing to each student (and employee) the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by regularly matriculated students (and employees) on its property as a part of any of its activities;
- A description of applicable local, state and federal legal sanctions pertaining to the unlawful possession, use or distribution of illicit drugs and alcohol;
- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available drug and alcohol counseling, treatment, rehabilitation and re-entry programs; and

- A clear statement of the disciplinary sanctions that the University will impose on students (and employees) who violate the standards of conduct.
- The University will conduct a biennial review of its drug prevention program to determine its effectiveness, implement needed changes and ensure that disciplinary sanctions are consistently enforced.

11. State and Federal Legal Sanctions Concerning Drugs and Alcohol

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs (“controlled substances”) [Controlled Substances Act 21 U.S.C. Sections 841, 843 [b], 844, 845, 846 (1988)]. The following is a list of the punishments prescribed for each crime/offense:

Crime/Offense	Jail Time	Fine (\$)
1st Degree Crime	10–20 years max	\$100,000
2nd Degree Crime	10 years max	\$100,000
3rd Degree Crime	5 years max	\$7,500
4th Degree Crime	up to 18 months max	\$7,500
Disorderly Persons (offense)	up to 6 months max	\$1,000
Petty Disorderly (offense)	up to 30 days max	\$500

Controlled Dangerous Substances

Controlled dangerous substances (CDS) are classified into five different schedules (I–V):

New Jersey Laws: Criminal Statutes

I.2C:35-3 Leader of a Narcotic Trafficking Network

- Conspires with others as an: organizer (or) financier, supervisor (or) manager
 - To manufacture or distribute: Methamphetamine, Lysergic Acid Diethylamide (LSD), and Phencyclidine
 - Any CDS in Schedule I or II
- First Degree Crime (Life Term)*

II.2C:35-4 Maintaining or Operating a CDS Production Facility

- Knowingly maintains or operates a premise used to manufacture: Methamphetamine, Lysergic Acid Diethylamide
 - Any CDS in Schedule I or II
- First Degree Crime*

III.2C:35-5 Manufacturing, Distributing or Unlawfully Dispensing Controlled Dangerous Substances

- Knowingly or purposely: manufactures, distributes or dispenses (or possesses with intent to dispense) a CDS (or analog); or creates, distributes or possesses (or possesses with intent to distribute) any counterfeit CDS. Possession with intent to distribute.
- Degree of crime dependent on drug and amount involved*

IV.2C:35-5.1 Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids

—*Third Degree Crime*

V.2C:35-6 Employing a Juvenile in a Drug Distribution Scheme

- Any person 18 years of age who knowingly uses, solicits, directs, hires or employs

—*Second Degree Crime*

VI.2C:35-7 Distribution or Possession with Intent to Distribute a CDS within 1,000 Feet of School

Property or School Bus

- Violates 2C:35-5 within 1,000 feet of school property or school bus

—*Third Degree Crime — three-year minimum*

—*Marijuana less than one ounce — one-year minimum*

VII.2C:35-8 Distribution to Person under 18 or Pregnant Female

—Twice term of imprisonment

—Twice the fines

—Twice the term of parole ineligibility

VIII.2C:35-9 Strict Liability for Drug-induced Deaths

- Any person who manufactures, distributes or dispenses Methamphetamine, Lysergic Acid Diethylamide,

Phencyclidine, or any other Schedule I or II, or controlled analog thereof is strictly liable for a death that results from injection, inhalation or ingestion of that substance.

—*First Degree Crime*

IX.2C:35-10 Possession, Use or Being under the Influence

—Violation of this section by a person while on any property used for school purposes, or within 1,000 feet of any school property, school bus or on any school bus, who is not sentenced to a term of imprisonment, shall be required to serve not less than 100 hours of community service.

—Degree of crime dependent on drug and amount involved.

X.2C:35-11 Imitation CDS

- Distribution, possession, manufacturing, etc.

—Third Degree Crime

New Jersey Laws: Drug Paraphernalia

XI.2C:36-1 Drug Paraphernalia Defined:

- All equipment, material and products of any kind, used or intended for use in planting, growing or harvesting, manufacturing, compounding, testing, preparing or introducing a CDS into the human body.

- Drug paraphernalia includes kits, scales, balances, dilutants, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, envelopes, water paper, roach clips, ceramic pipes and chillers.

XII.2C:36-2 Use or Possession of Drug Paraphernalia with Intent to Use

—Disorderly Persons Offense

University Policy and Procedures on Alcohol and Other Drugs

The use, possession or distribution of alcohol or alcohol containers is permissible for those 21 years or older in designated areas, such as Park Avenue and Rutherford Hall residences, or at authorized University functions. Only those students aged 21 and older would be permitted to consume alcohol at any such functions.

It is illegal for students under 21 years of age to possess or consume alcoholic beverages on campus. It also is a violation of University policy for any student to have actual or constructive possession of alcohol or be in the presence of alcohol in or around the

residence halls or in any other campus area not designated for alcohol consumption. Possession, use or distribution of alcohol by students on University property, or as part of any other University-regulated activity is prohibited. Any student found responsible for violating of the Code of Student Rights, Responsibilities and Conduct of the Residence Hall Community Code is subject to the judicial procedures from the residence halls or the University the Code of Student Rights, Responsibilities and Conduct reads,

- “1. Underage purchase, possession, consumption or distribution of alcohol;
2. the providing of alcohol to underage individuals and/or the enabling or encouraging of underage individuals to purchase, possess, consume or distribute alcohol;
3. Violation of the alcoholic beverages policy;
4. and/or public intoxication” will be subject to disciplinary actions.

The use, possession or distribution of illegal drugs and drug paraphernalia is not permissible on University grounds, including the residence halls. Use and possession of drugs in any vehicle on campus is likewise prohibited.

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription. Any person who violates this section is guilty of a crime of the fourth degree and subject to charges of violation of the Code of Student Rights, Responsibilities and Conduct.

Parents and/or guardians may be contacted when a student violates University alcohol and/or drug policy.

University Policy Statement for Illegal Drugs

Illegal drugs are not permitted on University property, including in the residence halls or in any vehicle on campus. Any student found responsible for violating the Code of Student Rights, Responsibilities and Conduct is subject to suspension from the residence halls or the University. The Code of Student Rights, Responsibilities and Conduct prohibits,” Enabling of or actual illegal use, possession, illegal distribution, transfer or sale of narcotics, hallucinogenic agents, other controlled or dangerous substances and drug paraphernalia on or off campus.” Students found in violation of the aforementioned policy will also be subject to criminal prosecution.

Sexual Assault Policy

E. Adjudication of Violations

Whether or not criminal charges are filed, the university or a person may file a complaint under the Prohibited Discrimination, Harassment and Related Misconduct Policy alleging that a student or employee violated the University’s policy.

The Associate Vice President of Human Resources serves as the University’s Title IX Coordinator, and the individuals noted below have been designated as Deputy Title IX Coordinators to address student vs. student cases that occur on their respective campuses. These individuals are responsible for providing education and training about discrimination and harassment to the University community and for receiving complaints and overseeing investigations surrounding reports and complaints about discrimination

and harassment in accordance with the policy. The Associate Vice President of Human Resources is located in Dickinson Hall on the Metropolitan Campus and can be reached at (201) 692-2706.

The following positions have been designated Deputy Title IX Coordinators:

Assistant Dean of Students at Florham Campus (973) 443-8936

Assistant Dean of Students at the Metropolitan Campus (201) 692-2190

Campus Provost at the Vancouver Campus (604) 692-4462

INVESTIGATING OFFICERS

Those designated to investigate claims shall be the Investigating Officers. The following positions have been designated Investigating Officers:

Director of Employee Benefits and Training (201) 692-2704

Harassment cases involving employees.

Assistant Dean of Students at the Florham Campus (973) 443-8574

Harassment cases student vs. student

Director of Student Services at the Vancouver Campus (604) 648-4465

Harassment cases student vs. student

Director of Public Safety at the Florham Campus (973) 443-8929

Assault Cases

The Title IX Coordinator is authorized to designate appropriately trained individuals to receive complaints and investigate discrimination and harassment complaints as deemed appropriate.

The Investigating Officer serves as an impartial fact finder to investigate the complaint and can appoint a "designee" to assist him or her in carrying out any of his or her functions described hereunder. The function carried out by the Investigating Officer is under the responsibility of the Office of the President.

REPORTING AND ADJUDICATION PROCEDURES

Reporting of Complaint: Any University student or employee who feels subjected to harassment or discrimination in any manner should immediately report the matter to the Title IX Coordinator or Deputy Title IX Coordinator. Employees may also report it to his/her supervisor or anyone employed in a supervisory capacity at the University.

Informal Procedure: The Investigating Officer may suggest voluntary mediation of the complaint in the form of discussions with the complainant, respondent and other parties, as necessary, with the aim of reaching an agreement acceptable to all parties. Neither the complainant nor the respondent shall be under any compulsion to participate in an

informal resolution, and no complainant or respondent will be subject to adverse action for refusing to participate. *Mediation is never appropriate in cases of sexual assault, domestic violence, dating violence or stalking or when a power differential exists between the parties.*

A formal complaint can be filed at any time during the informal process, but the complainant should file a formal complaint within 15 working days from the circulation by the Investigating Officer of a proposed informal agreement if the result is unacceptable to the complainant.

Formal Procedure:

When a formal complaint is filed, the Investigating Officer will interview the complainant to ascertain the details behind the complaint and will then interview the respondent(s). The Investigating Officer may conduct other fact finding and/or discussions with any witnesses who may have knowledge of the allegations in the complaint.

Determinations and Report: The Investigator will provide a report of findings to the respective Deputy Title IX Coordinator within a reasonable promptness after the filing of the formal complaint to:

- University Title IX Coordinator - for cases involving University employees
- Deputy Title IX Coordinator – for University students. Any sanctions will be in accordance with the University’s Prohibited Discrimination, Harassment and related Misconduct policy.

Action of the Title IX Coordinator: In their review of the Investigating Officer’s report, the Title IX Coordinator shall review the record developed by the Investigating Officer. The Title IX Coordinator may accept the report or ask the Investigating Officer to conduct additional investigation and resubmit the report.

Upon receipt of the Investigating Officer’s final report, the Investigating Officer’s conclusion on the claim of harassment or discrimination, but not the report, shall be provided to the claimant, the respondent and the Vice President or the Provost of the department in which the respondent works. In addition, the respondent, and his/her supervisor shall be informed of the proposed disciplinary action, if any.

APPEALS

Either party may appeal the outcome. The limited grounds for appeal are as follows: • A substantive or procedural error that substantially affected the outcome; and • Any evidence that could substantially affect the outcome and that was not reasonably available through the exercise of due diligence at the time of the investigation; Dissatisfaction with the outcome of the investigation is not grounds for appeal. A Reporting Party or

Responding Party must submit a written appeal within five (5) business days of receipt of the Notice of Outcome to the Title IX Coordinator. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) days from receipt of the appeal. The Title IX Coordinator will refer the appeal, and any response to an Appeals Officer, who will decide the appeal in an impartial manner. For students, the Appeals Officer shall be one of the Associate Campus Provosts. Typically, the Associate Campus Provost from the Responding Party's home campus will be assigned, but depending on the circumstances of the matter, the Associate Campus Provost from either campus may review the appeal. For employees, the Appeals Officer will be an Associate Vice President appointed at the discretion of the President, but not the Associate Vice President of Human Resources. The Appeals Officer, in his/her sole discretion, may make a determination based on the written record or may request to speak with the Investigating Officer, the Adjudicator, the Reporting Party or the Responding Party. Appeals are not intended to be full rehearing of the report (de novo). The Appeals Officer may not substitute his/her judgment for that of the Adjudicator merely because he/she disagree with the finding and/or sanctions. The Appeals Officer can: 1) affirm the findings, or 2) alter the findings only where there is clear error based on the stated appeal grounds. The Appeals Officer shall communicate a written decision, which shall be deemed final and binding, to the Reporting Party and the Responding Party and the University Title IX Coordinator. The Appeals Officer will conclude the appeal within fifteen (15) calendar days of the receipt of the appeals documents.

Confidentiality

Every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects.

Confidentiality means that information shared with designated campus or community professionals will only be disclosed with the individual's express written permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g. where there is suspected abuse or neglect of a minor). An individual can seek confidential assistance and support by speaking with specially designated confidential resources (Listed in Appendix I: Campus and Community Resources).

Sanctions and Protective Measures

In responding to a report, the University has an interest in providing care to the Reporting Party and to the broader campus community. For this reason, after receiving a report, the University, through its Response Team, will offer and establish reasonable and appropriate Interim Measures to protect a Reporting Party and facilitate the Reporting Party's continued access to University employment or education programs and activities. Interim Measures may be both remedial (designed to address a Reporting Party's well-

being and continued access to educational and employment opportunities) or protective (involving action against a Responding Party). Remedial and protective measures, which may be temporary or permanent, may include no-contact orders, counseling and emotional support, residence modifications, academic modifications and support, work schedule modifications, voluntary leave of absence, interim suspension, suspension from employment, restrictions on campus activities, and other immediate remedies as reasonable and appropriate. Remedial measures are available regardless of whether a Reporting Party chooses to pursue an investigation or disciplinary action under this Policy. The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures reported to the University. The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University. The Title IX Coordinator or designee has the discretion to ensure the appropriateness of any Interim Measure based on all available information, and is available to meet with a Reporting or Responding Party to address any concerns about the provision of Interim Measures. Retaliation is expressly prohibited by this Policy, and the University will take immediate and responsive action to any report of retaliation or any violation of Interim Measures.

Where there is a finding of responsibility, the Adjudicator may impose one or more sanctions. Sanctions for students may include any of the sanctions that are available for violations of the University's Code of Student Rights, Responsibilities and Conduct, including: Administrative reassignment of housing Campus restriction Campus Standard probation Co-curricular restriction Community restitution Community service Counseling assessment/support Disciplinary Reprimand Disengagement notice Educational sanctions * Fines Housing dismissal Housing probation Housing suspension Social restriction University dismissal University suspension * exercises, class, assignments / essay Sanctions for employees may include any of the sanctions that are available for violations of the University's Employee Handbook and Faculty Handbook, including a letter of reprimand being placed in their personnel file, additional training, written letter of apology, suspension (paid or unpaid), dismissal, work schedule modifications, voluntary leave of absence, restrictions on campus activities, and termination from the University. Sanctions for faculty covered by the Faculty Handbook will be reviewed with the University Provost and/or the University President. Prohibited Discrimination, Harassment and Related Misconduct – 7-1-2015 Page - 24 When determining sanctions, the Adjudicator will consider the following factors: • The nature and severity of the Prohibited Conduct • The impact of the Prohibited Conduct on the Reporting Party; • The impact or implications of the Prohibited Conduct within the University community; • Whether the Responding Party has accepted responsibility for the Prohibited Conduct; • The maintenance of a safe and respectful environment conducive to learning; and • Any other mitigating, aggravating, or compelling factors.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In the State of New Jersey, that information may be accessed here via the New Jersey State Police website: http://www.state.nj.us/njsp/info/reg_sexoffend.html

through the Wellness Center (Student Counseling and Psychological Services and Student Health Services [SCAPS]) and off-campus sources.

Alcohol Violations

I.2C:33-15 Possession or Consumption of Alcoholic Beverage by Person Under Legal Age

- Knowingly possesses without legal authority or knowingly consumes an alcoholic beverage in any school, public or private conveyance, public place, public assembly or motor vehicle.

—Disorderly Persons Offense (not less than \$500.00 fine)*

—In addition to the sentence authorized from the offense, the court shall suspend or postpone for six months the driving privileges of the defendant.*

II.2C:33-16 Possession of Alcoholic Beverage on School Property

- Any person of legal age to purchase alcoholic beverages, who knowingly and without express written permission of the school board, its delegated authority or any school principal, brings any alcoholic beverage on any property used for school purposes, which is owned by any school or school board.

—Disorderly Persons Offense

III.2C:33-17 Offering Alcoholic Beverages to Underage Person

- Purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage.

—Disorderly Persons Offense

General Requirements of the Drug-free Schools and Communities Act: Amendments of 1989

The Drug-free Schools and Communities Act Amendments of 1989 (the Act) requires an institution of higher education, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students (and employees). The following describes the Act's provisions as applied to students.

As part of its drug prevention program for students and employees, Fairleigh Dickinson University annually distributes in writing to each student (and employee) the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by regularly matriculated students (and employees) on its property as a part of any of its activities;
- A description of applicable local, state and federal legal sanctions pertaining to the unlawful possession, use or distribution of illicit drugs and alcohol;
- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available drug and alcohol counseling, treatment, rehabilitation and re-entry programs; and
- A clear statement of the disciplinary sanctions that the University will impose on students (and employees) who violate the standards of conduct.

The University will conduct a biennial review of its drug prevention program to determine its effectiveness, implement needed changes and ensure that disciplinary sanctions are consistently enforced.

State and Federal Legal Sanctions Concerning Drugs and Alcohol

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs (“controlled substances”) [Controlled Substances Act 21 U.S.C. Sections 841, 843 [b], 844, 845, 846 (1988)]. The following is a list of the punishments prescribed for each crime/offense:

Crime/Offense	Jail Time	Fine (\$)
1st Degree Crime	10–20 years max	\$100,000
2nd Degree Crime	10 years max	\$100,000
3rd Degree Crime	5 years max	\$7,500
4th Degree Crime	up to 18 months max	\$7,500
Disorderly Persons (offense)	up to 6 months max	\$1,000
Petty Disorderly (offense)	up to 30 days max	\$500

Controlled Dangerous Substances

Controlled dangerous substances (CDS) are classified into five different schedules (I–V):

New Jersey Laws: Criminal Statutes

I.2C:35-3 Leader of a Narcotic Trafficking Network

- Conspires with others as an: organizer (or) financier, supervisor (or) manager
 - To manufacture or distribute: Methamphetamine, Lysergic Acid Diethylamide (LSD), and Phencyclidine
 - Any CDS in Schedule I or II
- First Degree Crime (Life Term)*

II.2C:35-4 Maintaining or Operating a CDS Production Facility

- Knowingly maintains or operates a premise used to manufacture: Methamphetamine, Lysergic Acid Diethylamide
 - Any CDS in Schedule I or II
- First Degree Crime*

III.2C:35-5 Manufacturing, Distributing or Unlawfully Dispensing Controlled Dangerous Substances

- Knowingly or purposely: manufactures, distributes or dispenses (or possesses with intent to dispense) a

CDS (or analog); or creates, distributes or possesses (or possesses with intent to distribute) any counterfeit CDS. Possession with intent to distribute.

—*Degree of crime dependent on drug and amount involved*

IV.2C:35-5.1 Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids

—*Third Degree Crime*

V.2C:35-6 Employing a Juvenile in a Drug Distribution Scheme

- Any person 18 years of age who knowingly uses, solicits, directs, hires or employs

—*Second Degree Crime*

VI.2C:35-7 Distribution or Possession with Intent to Distribute a CDS Within 1,000 Feet of School Property or School Bus

Property or School Bus

- Violates 2C:35-5 within 1,000 feet of school property or school bus

—*Third Degree Crime — three-year minimum*

—*Marijuana less than one ounce — one-year minimum*

VII.2C:35-8 Distribution to Person under 18 or Pregnant Female

—Twice term of imprisonment

—Twice the fines

—Twice the term of parole ineligibility

VIII.2C:35-9 Strict Liability for Drug-induced Deaths

- Any person who manufactures, distributes or dispenses Methamphetamine, Lysergic Acid Diethylamide,

Phencyclidine, or any other Schedule I or II, or controlled analog thereof is strictly liable for a death that results from injection, inhalation or ingestion of that substance.

—*First Degree Crime*

IX.2C:35-10 Possession, Use or Being under the Influence

—Violation of this section by a person while on any property used for school purposes, or within 1,000 feet of any school property, school bus or on any school bus, who is not sentenced to a term of imprisonment, shall be required to serve not less than 100 hours of community service.

—Degree of crime dependent on drug and amount involved.

X.2C:35-11 Imitation CDS

- Distribution, possession, manufacturing, etc.

—Third Degree Crime

New Jersey Laws: Drug Paraphernalia

XI.2C:36-1 Drug Paraphernalia Defined:

- All equipment, material and products of any kind, used or intended for use in planting, growing or harvesting, manufacturing, compounding, testing, preparing or introducing a CDS into the human body.

- Drug paraphernalia includes kits, scales, balances, dilutants, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, envelopes, water paper, roach clips, ceramic pipes and chillers.

XII.2C:36-2 Use or Possession of Drug Paraphernalia with Intent to Use

—Disorderly Persons Offense

University Policy and Procedures on Alcohol and Other Drugs

On Florham Campus students over 21 are permitted to consume alcoholic beverages in their residence rooms in designated areas such as Rutherford and Park Avenue residence halls.

The use, possession or distribution of alcohol or alcohol containers is not permissible on University grounds except at authorized University functions. Only those students aged 21 and older would be permitted to consume alcohol at any such functions.

It is illegal for students under 21 years of age to possess or consume alcoholic beverages on campus. It also is a violation of University policy for any student to have actual or constructive possession of alcohol or be in the presence of alcohol in or around the residence halls or in any other campus area not designated for alcohol consumption.

Possession, use or distribution of alcohol by students on University property, or as part of any other University-regulated activity is prohibited. Any student found responsible for violating Article X, Item K of the Code of Student Rights, Responsibilities and Conduct or Section 1, Item 20 of the Residence Hall Community Code is subject to the judicial procedures from the residence halls or the University. Article X, Item K of the Code of Student Rights, Responsibilities and Conduct reads,

- “1. Underage purchase, possession, consumption or distribution of alcohol;
2. the providing of alcohol to underage individuals and/or the enabling or encouraging of underage individuals to purchase, possess, consume or distribute alcohol;
3. violation of the alcoholic beverages policy;
4. and/or public intoxication” will be subject to disciplinary actions.

The use, possession or distribution of illegal drugs and drug paraphernalia is not permissible on University grounds, including the residence halls. Use and possession of drugs in any vehicle on campus is likewise prohibited.

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription. Any person who violates this section is guilty of a crime of the fourth degree and subject to charges of violation of the Code of Student Rights, Responsibilities and Conduct.

Parents and/or guardians may be contacted when a student violates University alcohol and/or drug policy.

University Policy Statement for Illegal Drugs

Illegal drugs are not permitted on University property, including in the residence halls or in any vehicle on campus. Any student found responsible for violating Article X, Item E of the Code of Student Rights, Responsibilities and Conduct is subject to suspension from the residence halls or the University. Section E of the Code of Student Rights, Responsibilities and Conduct prohibits,” Enabling of or actual illegal use, possession,

illegal distribution, transfer or sale of narcotics, hallucinogenic agents, other controlled or dangerous substances and drug paraphernalia on or off campus.” Students found in violation of the aforementioned policy will also be subject to criminal prosecution.

Sexual Assault

Reporting a Sex Offense

If you are the victim of sexual assault or rape:

- Get to a safe place and contact the Department of Public Safety (973) 443-8888 and/or the local police (911).

- Get immediate medical attention to:

- identify external and internal injuries that may require treatment;

- be tested and receive preventative treatment for venereal diseases;

- receive treatment to prevent unwanted pregnancy;

- obtain and preserve evidence should you choose to prosecute. (Don’t bathe, shower, douche, eat, drink, smoke or urinate, if possible, as these acts may destroy potential evidence.)

Call Wellness Center (973-443-8535), Morristown Medical Center (973-971-5000)

- Contact the Morris Care Sexual Assault Program/Morristown Medical Center- 24-hour Hotline Confidential Service at 973- 829-0587. Advocates are available 24 hours a day to offer information to all survivors of sexual assault companionship through medical exams and procedures and/or emotional support to survivors wishing to report the crime.

- Utilize Available Campus Services:

- Public Safety** at (973) 443-8888, 24 hours a day

To report the assault, for assistance in reporting to local police authorities, for transportation to medical facilities and for assistance contacting specific FDU staff on weekends or after office hours.

- Student Health Services** at (973) 443-8535/ 9 AM. to 5 PM, Monday through Friday
Confidential service offers treatment of minor injuries, information and referral related to your specific medical needs.

- Student Counseling-973-443-8535**

9 AM. to 5 PM, Monday through Friday

Confidential service offers short-term counseling, information and referral related to your specific emotional needs. Counselors also are available to serve as student advocates within the campus community.

- Dean of Students** at (973) 443-8936, 9 a.m. to 5 PM, Monday through Friday

To file campus disciplinary charges against your assailant, to discuss options regarding limiting on-campus contact with your assailant, changing residence and/or specific academic accommodations.

- Know Your Rights — Read the New Jersey Campus Sexual Assault Victim’s Bill of Rights (below).

New Jersey Campus Sexual Assault Victim’s Bill of Rights

The following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or private institution of higher education in the state and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.

A. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community, whether or not the crime is reported to campus or civil authorities.” Campus authorities” as used in this act shall mean any individuals or organizations specified in an institution’s statement of campus security as the individuals or organizations to whom students and employees should report criminal offenses.

B. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings that may take place.

C. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes of lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.

D. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributory negligent or assumed the risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.

E. The same right to legal assistance and the right to have others present in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of any disciplinary proceedings against the accused.

F. The right to full, prompt and victim-sensitive cooperation of campus personnel in obtaining, securing and maintaining evidence, including a medical examination if it is necessary to preserve evidence of assault.

G. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right 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 sexual assault suspects for communicable diseases.

H. The right to have access to counseling under the same terms and conditions as they apply to other students seeking such counseling from appropriate campus counseling services.

I. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

Campus Sex Crimes Prevention Act of 2000

The Campus Sex Crimes Prevention Act of 2000 which became effective October 28, 2002, requires state law enforcement agencies to inform colleges and universities about students and employees who are registered sex offenders. Any college or university that receives federal funding must make this information available to any member of the campus community who requests it. Fairleigh Dickinson University is a recipient of federal funding. Information about registered sex offenders may be requested at the Department of Public Safety at the Florham Campus 973-443-8888.

Missing Persons Policy

The Higher Education Act requires that all institutions that provide on campus student housing must establish a missing student notification policy and procedures.

Fairleigh Dickinson University Florham Campus takes student safety very seriously. The following policy and procedure has been established to assist in locating Fairleigh Dickinson University Florham Campus students who live in Fairleigh Dickinson University on campus housing, who, based on the facts and circumstances known to Fairleigh Dickinson University Florham Campus have been determined to be missing.

Dean of Students Information to Resident Students

At the beginning of each academic year, Fairleigh Dickinson University Florham Campus Dean of Students will inform all students residing in on campus housing that the Dean of Students will notify either a parent or an individual selected by the student not later than 24 hours after the time that the student is deemed to be missing. The information provided to the resident students will include the following:

Resident students have the option of identifying an individual to be contacted by the Dean of Students not later than 24 hours after the time that the student has been determined to be missing. Students can register this confidential contact information through the Dean of Students Office. If the resident student is under 18 years of age, and not an emancipated individual, the Dean of Students is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing.

The Department of Public Safety will notify the appropriate local law enforcement agency not later than 24 hours after the time that the student is determined to be missing. If the Department of Public Safety and/or the local law enforcement agency has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, the Dean

of Students will initiate the emergency contact procedure in accordance with the student's designation.

Department of Public Safety

The Department of Public Safety upon notification of a missing student will conduct a thorough investigation and obtain all necessary information. The person's description, clothes, who they may be with or where they may be, vehicle description and the physical and mental well-being of the individual will be obtained.

The Department of Public Safety will conduct a quick, but thorough search of the campus buildings and parking lots using the student's class schedule.

The Department of Public Safety will also check access card logs to determine the last time the ID card was used as well as any surveillance video.

The Department of Public Safety may also request assistance from Resident Assistants or others to assist in a search on campus. The Department of Public Safety may issue an ID card photograph to assist in the identification of the missing student.

After a search has been conducted with negative results, the Department of Safety will notify the local law enforcement agency.

Notification Procedure

Fairleigh Dickinson University Florham Campus will follow the following notification procedure for a missing student who resides in on campus housing:

Any reports of missing students are to be referred immediately to the Department of Public Safety and after investigating the report it is determined that the student has been missing for more than 24 hours, the Dean of Students will contact the individual identified by the student or the custodial parent or legal guardian if the student is under the age of 18 and not emancipated. The Dean of Students and/or Public Safety will notify the Campus Provost of any missing student.

Campus Communications

In all cases of a missing student, local law enforcement agency will provide information to the media that is designed to obtain public assistance in the search for any missing student. The local law enforcement agency will consult with Fairleigh Dickinson University Public Relations. Any media requests to the university will be directed to Public Relations.

University Crime Statistics

The following chart outlines the Florham Campus crime statistics. The following is a summary explanation of crime definitions. All definitions are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook as required by the Clery Act regulations.

Murder – The willful (non-negligent) killing of one human being by another.

Rape: 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 consent of victim.

Forcible Fondling: Touching of the private parts of another person for the purposes of sexual gratification, without consent of victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Non-forcible sexual intercourse between persons 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 statutory age of consent.

Domestic Violence: Felony or misdemeanor crimes of violence committed by (i) by a current or former spouse or intimate partner of victim, (ii) by a person with whom the victim shares a child in common, (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (iv) 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 (v) 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: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking: Engaging in course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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

Burglary- Unlawful entry of a structure to commit a felony or theft.

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Arrests for Clery Act purposes are defined as persons processed by arrest, citation or summonses.

Referred for disciplinary action is the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Reporting a Sex Offense

If you are the victim of sexual assault or rape:

- Get to a safe place and consider contacting the Department of Public Safety (973) 443-8888 and/or the local police (911). If you notify the Department of Public Safety, the local police will automatically be notified.
- Get immediate medical attention to:
 - identify external and internal injuries that may require treatment;
 - be tested and receive preventative treatment for venereal diseases;
 - receive treatment to prevent unwanted pregnancy;
 - obtain and preserve evidence should you choose to prosecute. (Don't bathe, shower, douche, eat, drink, smoke or urinate, if possible, as these acts may destroy potential evidence.)

Individuals may also report a sex offense to the institutions Title IX coordinator. This office is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator is Rose D'Ambrosio, 201-692-2706, located in Dickinson Hall, 3rd floor and the General Counsel, John Codd, Esq. at 201-692-7071. Sexual harassment policy is found on University's website.

Call FDU Wellness Center (973-443-8535)

- Contact the Morris County Sexual Assault Center (MSCAC) hosted by the Morristown Memorial Medical Center which provides free and confidential services to survivors of sexual assaults ages 12 and up. Counseling is also available for partners, friends and family members. A skilled counselor is available to meet with you on campus or at MSCAC. Services include individual and group counseling, advocacy services 24 hour hotline (973-829-0587) and crisis counseling and community education (973-971-4715). The MCSAC is also a member of the Morris County Sexual Assault Response Team (SART) Feelings associated with the assault will not go away by themselves. All calls are confidential

- Utilize Available Campus Services:

—**Public Safety** at (973-443-8888, 24 hours a day

To report the assault, for assistance in reporting to local police authorities, for transportation to medical facilities and for assistance contacting specific FDU staff on weekends or after office hours.

—**Student Health Services** at (973) 443-8535, 9:00am.-5:00pm, Monday through Friday Confidential service offers treatment of minor injuries, information and referral related to your specific medical needs.

Confidential service offers short-term counseling, information and referral related to your specific emotional needs. Counselors also are available to serve as student advocates within the campus community.

—**Dean of Students** at (973-443-8936, 9:00am to 5:00pm, Monday through Friday

To file campus disciplinary charges against your assailant, to discuss options regarding limiting on-campus contact with your assailant, changing residence and/or specific academic accommodations.

- Know Your Rights — Read the New Jersey Campus Sexual Assault Victim’s Bill of Rights.

Educational Programs

The University educates the student community about sexual assaults and date rape through mandatory freshman seminars each fall. The Department of Public Safety offers sexual assault education and information programs to University students and employees upon requests. Literature on date rape education, risk reduction, and University response is available through the Dean of Students office.

New Jersey Campus Sexual Assault Victim’s Bill of Rights

The following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or private institution of higher education in the state and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.

A. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community, whether or not the crime is reported to campus or civil authorities.” Campus authorities” as used in this act shall mean any individuals or organizations specified in an institution’s statement of campus security as the individuals or organizations to which students and employees should report criminal offenses.

B. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings that may take place.

C. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes of lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.

D. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributory negligent or assumed the risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.

E. Both the accuser and the accused have the same right to legal assistance and the right to have others present in any campus disciplinary proceeding; and the right to be notified of the outcome of any disciplinary proceedings against the accused.

F. The right to full, prompt and victim-sensitive cooperation of campus personnel in obtaining, securing and maintaining evidence, including a medical examination if it is necessary to preserve evidence of assault.

G. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right 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 sexual assault suspects for communicable diseases.

H. The right to have access to counseling under the same terms and conditions as they apply to other students seeking such counseling from appropriate campus counseling services.

I. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

University Disciplinary Action

If you are the victim of a sexual assault and chose to pursue campus disciplinary proceedings, you should contact the Dean of Student's office to discuss the situation. Students found guilty of committing a sex offense (rape, acquaintance rape, or other forcible or non-forcible sex offense sex offense, could be suspended or terminated following a disciplinary proceeding.

Fairleigh Dickinson will, upon request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Campus Sex Crimes Prevention Act of 2000

The Campus Sex Crimes Prevention Act of 2000 which became effective October 28, 2002, requires state law enforcement agencies to inform colleges and universities about students and employees who are registered sex offenders. Any college or university that

receives federal funding must make this information available to any member of the campus community who requests it. Fairleigh Dickinson University is a recipient of federal funding. Information about registered sex offenders may be requested at the Department of Public safety at the College at Florham.

University Crime Statistics

The following chart outlines the College at Florham crime statistics. The following is a summary explanation of crime definitions. All definitions are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook as required by the Clery Act regulations.

Murder - The willful (non-negligent) killing of one human being by another.

Rape- 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 consent of victim.

Forcible Fondling – Touching of the private parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving his or her temporary or permanent mental incapacity.

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

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Domestic Violence-Felony or misdemeanor crimes of violence committed by (1) a current or former spouse or intimate partner of victim (2) by a person with whom the victim shares a child in common, (3) by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, (4) by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of the jurisdiction in which the crime of violence occurred or (5) by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Stalking-Engaging in course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

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 putting the victim in fear.

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

Burglary -unlawful entry of a structure to commit a felony or theft.

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Arrests for Clery Act purposes are defined as persons processed by arrest, citation or summonses.

Referred for disciplinary action is the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Florham Campus January – December 2014

Type of Offense/Crime	On Campus	On Non Campus University Controlled Property	Public Property	Residential	Hate Crime
I. Crimes					
Aggravated Assault	2	0	0	2	0
Arson	1	0	0	1	0
Burglary	2	0	0	2	0
Motor Vehicle Theft	0	0	0	0	0
Murder	0	0	0	0	0
Robbery	0	0	0	0	0
Rape	0	0	0	0	0
Forcible Fondling	4	0	0	3	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0
II. Arrests					
Liquor Law	0	0	0	0	0
Drug Abuse	3	0	0	3	0
Weapon Law	0	0	0	0	0
III. Non Arrest Campus Referrals					
Alcohol	77	0	0	74	0

Drugs	52	0	0	52	0
Weapons	0	0	0	0	0

Florham Campus January – December 2013

Type of Offense/Crime	On Campus	On Non Campus University Controlled Property	Public Property	Campus Residences	Hate Crime
I. Crimes					
Aggravated	1	0	0	1	0
Assault					
Arson	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Murder	0	0	0	0	0
Non-Negligent Manslaughter					
Negligent Manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offenses					
Forcible	4	0	0	4	0
Non- Forcible	0	0	0	0	0
II. Arrests					
Liquor Law	1	0	0	1	0
Drug Abuse	8	0	0	7	0
Weapon Law	1	0	0	1	0
III. Non Arrest Campus Referrals					
Alcohol	65	0	0	63	0

Drugs	13	0	0	13	0
Weapons	0	0	0	0	0

Florham Campus January – December 2012

Type of Offense/Crime	On Campus	On Non Campus University Controlled Property	Public Property	Residential Facilities	Hate Crime
I. Crimes					
Aggravated Assault	0	0	0	0	0
Arson	0	0	0	0	0
Burglary	4	0	0	4	0
Motor Vehicle Theft	0	0	0	0	0
Murder Non-Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offenses Forcible	10	0	0	8	0
Sex Offenses Non-Forcible	0	0	0	0	0
II. Arrests					
Liquor Law	2	0	0	2	0
Drug Abuse	6	0	0	5	0
Weapon Law	0	0	0	0	0
III. Non Arrest Campus Referrals					
Alcohol	185	0	0	185	0

Drugs	5	0	0	5	0
Weapons	0	0	0	0	0

* Hate crimes are crimes that manifest evidence of prejudice based on race (Q), religion ®, sexual orientation (S), gender (U) or disability (V). Those which are linked to reportable crime categories in the above chart will be coded appropriately (e.g. 1 HC-Q on the Aggravated Assault line under the Hate Crime column means one case of aggravated assault which was a hate crime based on race).

Hate Crimes EXAMPLE:

2010: One on campus intimidation incident characterized by religious bias.

2009: One on campus robbery characterized by ethnicity/national origin bias, and one public property aggravated assault characterized by sexual orientation bias.

2008: No hate crimes reported.

A Final Word

Your safety and well-being is of utmost importance to the University. Any suggestions or ideas you may have on how Fairleigh Dickinson University can promote improved safety standards will be welcomed. You are also invited to contact the campus Department of Public Safety at any time if you have a question or need any additional information.

Florham Campus
 Department of Public Safety
 285 Madison Avenue
 Madison, NJ 07940
 973-443-8888
 wthornto@fdu.edu

Summary of Recent Clery Act Change (March 2013)

The Clery Act was amended during consideration of the Violence Against Women Act and signed into law March 7, 2013.

The changes are:

1. Add domestic violence, dating violence and stalking incidents that were reported to campus security authorities or local police authorities to Clery reportable crimes.
2. Add to hate crimes categories are national origin and gender identify.
3. Timely reports for gender crimes shall withhold the names of victims as confidential.
4. Specify definitions for these crimes, including hate crimes, are those in section 4002(a) of the Violence Against Women Act, while sexual assaults are defined in the Uniform Crime Reporting System of the FBI.
5. Expand statements of policy are required including an institution's programs to prevent domestic violence.
6. Add the procedures to be followed once such an incidence has been reported including the institution's standards of evidence.
7. Add education programs to promote awareness, definitions of offenses, consent, options for bystander intervention, risk reduction,
8. Specify ongoing prevention and awareness campaigns, sanctions and protective measures, procedures for victims including preservation of evidence, to whom reports should be made, options for law enforcement and campus authorities including notification given to the victim concerning to whom the incident may be reported with or without the assistance of campus authorities, the ability to decline such notification,
9. Add procedures for institutional disciplinary actions and a description of those disciplinary actions, methods to protect confidentiality,
10. Add written information on exiting victims services including legal aid and mental health counseling and options for changing living, working and transportation situations, and
11. Add whistleblower protections.

Definitions

Dating violence

Means violence committed by a person:

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

Domestic violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the

Victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with the

Victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for his or her safety or the safety of others;
- b. Suffer substantial emotional distress.