

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



ANNUAL SECURITY AND FIRE SAFETY REPORT

2021

Contains information for 2020-2021 academic year and crime statistics for 2020, 2019 and 2018.

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Disclosure

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- 443-8929 or email jv@fdu.edu.

Reporting Crimes and other Emergencies

The policies of Fairleigh Dickinson University Florham Campus are enforced by the Department of Public Safety, and made known to students, faculty and staff through the publications in the Employee Handbook or the Student Handbook. Can also be found on the University's website under Department of Public Safety, Florham Campus.

Our responsibility is to report any crime, emergency or campus violation on campus to appropriate individuals and department heads. To report a crime or safety hazard, call the Department of Public Safety at 973-443-8888 or come to the Department of Public Safety headquarters located in the Barn complex, 285 Madison Avenue, Madison, NJ 07940,(the Barn-M-BB1-01). Crimes should be reported to the Department of Public Safety 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 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. Reports involving students will be 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, call Department of Public Safety first and then call 911. Fairleigh Dickinson community members are encouraged to accurately and promptly report all crimes and emergencies to the Department of Public Safety.

Contact Department of Public Safety with questions about filing a criminal report/complaint by calling 973-443-8888. Reporting an incident to public safety does not mean that the local law enforcement must be notified. If you are a victim of a crime and do not want to pursue action within the criminal justice system, you may still want to consider making a confidential report. With your permission you can file a report with public safety on the details of the incident without revealing your identity. While we respect your wishes to keep the matter confidential, we will be able to keep an accurate record of the number of incidents involving individuals to determine whether there's a pattern, look at particular location, methods to ensure the safety of others in the event we may need to alert the community.

There are policies in place to report on line crimes or other incidents. www.fdu.edu under public safety.

Voluntary, 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, or any member of the campus community may report violations of the law or other matters of concern using the “Silent Knight” witness form on the university website. All reports received will be investigated, 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.

Reporting to Campus Public Safety

To report any crime, emergency or campus violation, call the Department of Public Safety at 973 443-8888 or come to the Department of Public Safety located in The Barn. 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 and why it may have occurred. Also try to provide witnesses or descriptions. In any instance where you witness any serious crime, emergency or other safety or life-threatening situation, please call 911. Do not call 911 unless an immediate and true emergency exists.

Emergency Telephones

Currently, most individuals have cell phones which can be used to contact Public Safety or 911. In the event that an individual does not have a cell phone or is in need of immediate contact to Public Safety, there are numerous emergency telephones located strategically around the campus on exterior of academic buildings and Residence Halls. The academic building emergency telephones are silver in color with a blue strobe light that activates when emergency button is pushed. The connection is made directly to Public Safety.

Reporting to Other Campus Security Authorities

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. “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, student discipline, and campus judicial proceedings”. Fairleigh Dickinson University has deemed all employees as Campus Security Authorities.

Pastoral and Professional Counselors

Campus Professional Counselors 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 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 Florham Campus, this means all counselors employed in Wellness Center Counseling as well as any consulting psychiatrist. The Nursing staff have been included in confidential.

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.

About the Campus Public Safety Agency

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 37 full time staff members. Public Safety personnel patrol the campus 24 hours a day, 365 days a year. The officers patrol the campus on foot and in motor vehicles. The officers also staff the dispatch area and they answer all calls for assistance as well as emergencies.

The Department of Public Safety members are non-sworn university employees who do not have arrest powers. Criminal incidents are handled by local police agencies. The campus is located in both Florham Park and Madison, NJ. Our public safety officers enforce university policies. In house training provides officers with a basic understanding of campus public safety as well as university and department policies and procedures. Officers also attend the Colleges and Universities Public Safety Association training. During 40 hours courses which covers all aspects of safety and security duties. In addition, officers attend advanced training courses either on campus or at local police academies. Public Safety officers are trained in first aid, CPR and AED.

Public Safety's minimum qualification for hiring requires a minimum of three years of public safety experience, successful background checks, medical examination, drug testing and an education of postsecondary institutes.

Safety, Our Number One Priority

The safety and security of all members of the campus community is the number one priority of the Department of Public Safety. While Public Safety patrols the entire campus and ensures that the campus remains safe for all, it is also the responsibility of all members of the campus community to be responsible for their own security and the security of others. By reporting anything suspicious

as well as following basic security and safety tips can greatly assist in overall safety and security for all.

Working Relationship with Local, State and Federal Law Enforcement Agencies

Fairleigh Dickinson University Florham Campus, Department of Public Safety has excellent working relationships with both Florham Park and 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. All serious matters are promptly reported to the local police. .

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

Crimes Involving Student Organizations 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.

Timely Warning Reports – Crime Alerts

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, bull horns inside patrol vehicles, 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 Executive, University IT personnel, 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 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	Campus Executive	Director PS	A.D PS
Back Up					
Voice mail	EMT	Director PS	Campus Executive	IT	IT
Telephone	EMT	Director PS	Campus Executive	IT	IT
Email	EMT	Director PS	Campus Executive	IT	IT
Notices posted	EMT	Director PS	Campus Executive	PS	PS

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 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.

Emergency Response and Evacuations

The University's incident Manual includes information about Incident Teams; University operating status parameters; incident priorities and performance expectations 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 tabletop 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.

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.

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 ACTIVE SHOOTER INCIDENTS

1. Follow Run Hide Fight protocol and training

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.

The university and campus each has an Emergency Management Team and Emergency Operations Plan. The EOP provides the framework to structure the response and resources of Fairleigh Dickinson University academic and administrative community to any emergency incident affecting Fairleigh Dickinson University. The Department of Public Safety activates the EOP when an emergency affecting Fairleigh Dickinson University reaches proportions that cannot be handled by established measures. This emergency may be sudden and unforeseen, or there may be varying periods of warning. Fairleigh Dickinson University intends that the EOP to be sufficiently flexible to accommodate contingencies of all types, magnitudes and duration. Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with Fairleigh Dickinson University departments to write, maintain, test and exercise the EOP
- Cooperation, Integration and Mutual Aid with local, state and federal planning, response and public safety agencies and their EOP's.

Evacuation and Relocation

Public Safety recommends the complete evacuation of a building in an alarm situation. Departmental evacuation plans provide more detailed information about the evacuation procedures for individual buildings. If necessary, transportation of persons should be coordinated with appropriate Department of Public Safety personnel for the purpose of evacuation and relocation of persons threatened by or displaced by an incident. Responding Public Safety and/or Emergency Management Team members will identify a temporary shelter of facility such as the Recreation Center or Student Center designated in advance, or another facility as needed. The EOP designates key functions and critical roles and assigns them based upon situational factors.

A summary of Fairleigh Dickinson University emergency response procedures is located at <http://view2.fdu.edu/florham-campus/public-safety/emergency-management/>.

Information regarding Fairleigh Dickinson University emergency notification policy, including how to enroll in or update your information in the emergency notification system to ensure you receive emergency notices on Fairleigh Dickinson University and cellular telephones can be located at <http://view2.fdu.edu/inside-fdu-edu/fdu-alert-and-smart-communications/>.

Drills, Exercises and Training

Annually, Fairleigh Dickinson University conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change from year to year and include several departments from across the campus.

To ensure that Fairleigh Dickinson University emergency management plan remains current and actionable, Fairleigh Dickinson University will conduct an emergency management exercise, at a minimum once yearly. These exercises may include tabletop drills, emergency operation center exercises or full-scale emergency response exercises. Fairleigh Dickinson University conducts after action reviews of all emergency management exercises.

Fairleigh Dickinson University will notify the university community of information included in Fairleigh Dickinson University publicly available information regarding emergency response procedures.

Emergency Notification

Fairleigh Dickinson University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. Fairleigh Dickinson University tests the emergency notification system components once every semester. During these test, Fairleigh Dickinson University activates the text, voice and email messages.

In the event of a situation that poses an immediate threat to members of the campus community, Fairleigh Dickinson University has various systems in place for communicating information quickly. Authorized senders may activate the FDU Alert system and will use some or all of the methods of communicating in an event of an emergency notification for all or a segment of the campus community.

Messages may direct individuals to evacuate and stay away from an area or contain other information pertinent to the situation. We will send follow up messages that might say; continue to remain where you are or provide other pertinent information. In all cases, Fairleigh Dickinson University will provide an "all clear" or "end of incident" message when the incident is no longer a danger.

Department of Public Safety may become aware of a critical incident or other emergency that potentially affects the health and/or safety of the campus community. Generally, Department of Public Safety becomes aware of these situations through reports to the department or upon discovery during routine patrols or other assignments. Once Public Safety confirms that there is in fact, an emergency or dangerous situation, that poses an immediate threat to the health or safety of some or all members of the campus community, the officers will notify Director of the Department of Public Safety to issue an emergency notification.

The Director of Public Safety in conjunction with the Campus Executive will immediately initiate all or some portions of the Fairleigh Dickinson University emergency notification system. If in the judgement of the Director of Public Safety and the local first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, Fairleigh Dickinson University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, Fairleigh Dickinson University will issue the emergency notification to the campus community.

Director of Department of Public Safety and Campus Executive will determine what segment or segments of Fairleigh Dickinson University should receive the notification. Generally, campus community members in the immediate area of the dangerous situation will receive notification first. Fairleigh Dickinson University may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued by FDU Alert, mass notification system, Fairleigh Dickinson University will also post applicable messages about the dangerous condition on the Fairleigh Dickinson University web home page. This way all members of the campus are aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, Fairleigh Dickinson University will distribute the notification to the entire campus community. Director of Public Safety in concert with Campus Executive, Public Relations and local first responders will determine the contents of the notification. Fairleigh Dickinson University has developed a wide range of template messages addressing several different emergencies. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In cases where there is no template message in the system, the individual authorizing the alert will develop the message to convey appropriate information to the campus community. The goal is to insure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

Fairleigh Dickinson University, at its discretion, may release information concerning a significant emergency or dangerous situation involving an immediate threat to the health and safety of campus

community members that occurred off campus. Such information would have to be provided by another agency or an emergency notification release by the supplying agency.

During critical incidents, the Public Affairs staff will work with the Emergency Management Team to gather accurate and substantial information regarding the details of Fairleigh Dickinson University response.

We encourage all members of the campus community to enroll in FDU Alert by visiting <http://view2.fdu.edu/inside-fdu-edu/fdu-alert-and-smart-communications/>. We encourage the Fairleigh Dickinson University community members to regularly update their information at the same site.

Security of and Access to 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. Access to any buildings after hours and on weekends is limited unless there are classes or other authorized functions being held.

Special Considerations for Residence Hall Access

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 to campus locksmith for repair.

Fairleigh Dickinson University Response to Sexual and Gender Violence

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 <https://portal.fdu.edu/studentlife/2018/code.pdf>

To report an incident of sexual misconduct, you can call, write or visit FDU's Title IX Coordinator, Rose D'Ambrosio, Vice President of Human Resources, (email) dambrosi@fdu.edu, (telephone) (201) 692-2706. The 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.

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 th 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 New Jersey Criminal Justice Code 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 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 as at least 4 years older than the victim.

2C:14-3a Aggravated Criminal Sexual Contact

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

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 person's offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other nonconsenting 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:

- a. the length of time of the relationship
- b. the type of relationship
- c. the frequency of interaction between the parties, and
- d. if the relationship has been terminated by either person,
- e. 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—
 - (i) fear for the person’s safety or the safety of others; or
 - (ii) 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.

Reporting an Incident

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. This also includes 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 Holy Name Hospital (preferred hospital with forensic evidence recovery services) or Hackensack University Medical Center.

Morristown Memorial Medical Center	100 Madison Avenue, Morristown, NJ 07960	(973) 971-5000

In New Jersey, evidence may be collected even if you chose not to make a report to law enforcement and the professionals at Holy Name Hospital 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. This is 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 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 Department 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 Policy 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

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

Stalking

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
7. **Stalking** Institution will assess immediate safety needs of complainant
8. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
9. Institution will provide written instructions on how to apply for Protective Order
10. Institution will provide written information to complainant on how to preserve evidence
11. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
12. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

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, it’s up to the accuser whether the local police will 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, Elizabeth Joyce, Esq. at 201-692-7076. 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)-443-8933, 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.

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.

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.

On Campus

- Counseling Center: M-WE0-01; x8504
- Student Health Center: M-WE0-01, x8535
- Public Safety: The Barn, Florham Park, NJ 07932; x8888
- Office of Diversity & Inclusion: 285 Madison Ave, Madison, NJ 07940 973-443-8876
- Office of the Title IX Coordinator: H-DH3-05, Human Resources, Dickinson Hall; x2706
- Dean of Students M-SC0-03 x8935
- General Counsel H-DH3-03 Dickinson Hall x7071

- International Student Services M-SC1-03 x8672

Off Campus

- Local Police: Florham Park Police Department 111 Ridgedale Avenue Florham Park, NJ 07932; (973) 377-2200
- Morristown Memorial Hospital 100 Madison Avenue Morristown, NJ 07960 (973) 971-5000
- Rape Crisis Center Morris CARES 95 Mt. Kemble Avenue 6th Floor Morristown NJ 07962; (973) 829-0587
- LGBTQ Alliance: 85 Raritan Ave, #100, Highland Park, NJ 08904 (732) 846-2232
- Local County Courthouse: 56 Washington Street Morristown, NJ 07960 (973) 656-4000
- Victim Advocacy: (703) 535-6682

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

Privacy and Confidentiality

Fairleigh Dickinson University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Fairleigh Dickinson University also is committed to providing assistance to help students, employees and all others to make informed choices. With respect to any report under this policy, Fairleigh Dickinson University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy means that information related to a report of Prohibited Conduct will be shared with a limited number of Fairleigh Dickinson University employees who “need to know” in order to assist in the assessment, investigation and resolution of the report. All employees who are involved in Fairleigh Dickinson University response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student educational records will be protected in accordance with the Family Rights and Privacy Act (FERPA), as outlined in Fairleigh Dickinson University FERPA policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA).

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications. Fairleigh Dickinson University has designated individuals who have the ability to have privileged communications as “Confidential Employees”.

When information is shared by an individual with a Confidential Employee or a community professional with the same legal protection, the Confidential Employee cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosures of such information. Information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is concern that the individual will likely cause serious

physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Pursuant to the Clery Act, Fairleigh Dickinson University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires Fairleigh Dickinson University to issue timely warnings to the FDU community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students or employees. Consistent with the Clery Act, Fairleigh Dickinson University withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the FDU community, and in the maintenance of the daily crime log. Fairleigh Dickinson University will also maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Educational 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 on line 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 2020: Note: Most were virtual.

First Year Orientation: 6/26- 6/27 S, SA, DoV, DaV

First Year Orientation: 7/8-7/9; S, SA, DoV, DaV

First Year Orientation: 7/11-7/12; S, SA, DoV, DaV

First Year Orientation: 7/17-7/18; S, DoV, DaV

Transfer Orientation: 8/22 – 8/23; S, SA, DoV, DaV

Campus Save Act Training: ongoing through Freshman Seminar

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 2020: Note: Most were virtual.

Ongoing awareness programs for students:

Title IX Bystander Prevention:

Resident Assistant training

Orientation Leader training

All Freshman through Freshman Seminar (www.unitededucators.com)

❖ 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 2020. Note: Most were virtual.

<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	Lenfell Hall	Yes	DoV, DaV SA, S
CSA and Title IX training for RA's			Yes	DoV, DaV, SA, S
Title IX training for Title IX Response			Yes	DoV, DaV, SA, S

CSA and Title IX Training for all Employees				Yes	DoV, DaV, SA, S
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❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Bystander Intervention and Risk Reduction

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of an occurrence of Prohibited Conduct. It also 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. Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to try and help individuals and communities address conditions that facilitate violence.

Recognizing that only a rapist is responsible for rape and with no intent to victim blame, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Disciplinary Procedures Policy Statement

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 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:

Dean of Students at the Florham Campus (973) 443-8936
Dean of Students at the Metropolitan Campus (201) 692-2190
Campus Executive 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) 443-8888
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. The Investigation Officer shall issue their report within a reasonable promptness after the filing of the formal complaint to:

University Title IX Coordinator – for cases involving University employees
Deputy 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.

Sex Offender Registration – Campus Sex prevention Act

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.

Campus Security Policies, Crime Prevention and Safety Awareness

The Department of Public Safety at the Florham Campus 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 ongoing effort to prevent crime on the campus, the Department of Public Safety offers several programs and services:

- Nighttime Safety Escort Service

- Distribution of brochures and pamphlets on crime prevention information
- Emergency Telephones
- 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
- 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 2018-2019 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.

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.

Conduct personal safety presentations to departments.

Title IX training for CSA.

Co-sponsor alcohol free events with residence assistants

Behavioral Intervention Team

The Florham Campus has a Behavioral Intervention Team that meets regularly and is chaired by the Dean of Students. Issues of students of concerns are discussed. Members of the Team include:

Dean of Students

Assistant Dean of Students

Director of Public Safety

Co-Directors of Student Counseling and Psychological Services

Associate Director of Residence Life
Director of Student Health
Associate Director of Athletics

The team takes a case management approach to identifying students who exhibit specific concerning or alarming behaviors. The team will develop plans of action designed to intervene and support the student at risk. All members of the campus community are encouraged to report concerns about any individual to the Dean of Students at (973) 443-8935.

Weapons Policy

Lethal weapons, firearms and fireworks are not permitted on campus.

Victims Rights

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
- To receive full, prompt and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault

CAMPUS INTERVENTION RIGHTS:

- To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of a victim by the alleged assailant to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available

STATUTORY MANDATES:

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation

Each campus shall make every reasonable effort to ensure that every student at the institution receives a copy of this document.

Nothing in this act or in any “Campus Assault Victim’s Bill of Rights” developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

The University complies with New Jersey law in recognizing orders of protection and encourages any person who obtains an order of protection from any U.S. state to provide a copy to Public

Safety and the Office of the Title IX Coordinator. Orders of Protection called Temporary Restraining Orders (TRO) are obtained by going to the County Court House in Hackensack and applying for one. A judge will determine if a TRO is to be granted.

Whether or not you receive an order of protection, a complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cell phone, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be The university has a 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request. Students should contact the Dean of Students and employees should contact HR.

Fairleigh Dickinson University Student Conduct

The university has a Code of Conduct for all students that attend the university. The Code of Conduct can be found at:

<https://portal.fdu.edu/studentlife/2018/code.pdf>

Missing Student Notification Policy

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

Anyone with the knowledge of a missing student should immediately report the missing student to the Department of Public Safety at 973-443-8888.

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 College at Florham campus student 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 campus housing that the Dean of Students will notify either a parent or guardian or the confidential contact 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 an 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 missing.

Students can register this confidential contact information through the Dean of Students Office.

-If the 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, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

-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 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.

Contact information will be registered confidentially, and this information will be accessible only to authorize campus officials and law enforcement and that it will not be disclosed outside of a missing person investigation.

Drug and Alcohol Abuse Prevention

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 has 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 if 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.2C35-7 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, 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.

The Florham Campus has implemented a Point system through the Dean of Students Office as part of the Judicial/Disciplinary Process. Information available on the University Web site at www.fdu.edu

Disclosure of Disciplinary Proceedings Outcomes

When Fairleigh Dickinson University determines that a student has violated our policies, upon a written request by the victim (or next of kin if victim is deceased), Fairleigh Dickinson University will provide the outcome of a disciplinary proceeding for violations that incorporate:

An offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, or A non-forcible sex offense.

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.

Annual Disclosure of 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.

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 (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.

Motor Vehicle Theft – Theft or attempted theft of a motor vehicle.

Arson – Willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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.

Primary Crimes	Year	On Campus	Student Housing	Non Campus Building or Property	Public Property
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Rape	2020	3	3	0	0
	2019	0	0	0	0
	2018	4	2	0	0

Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	1	0	0	0

Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Robbery	2020	0	0	0	0
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2019	0	0	0	0
2018	0	0	0	0

Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Dating Violence	2020	0	0	0	0
	2019	1	1	0	0
	2018	1	1	0	0

Domestic Violence	2020	1	1	0	0
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2019	2	2	0	0
2018	4	4	0	0

Stalking	2020	0	0	0	0
	2019	1	0	0	0
	2018	1	0	0	0

Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Drug Abuse Arrests	2020	2	2	0	0
	2019	4	4	0	0
	2018	13	13	0	0

Weapon Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Liquor Law Referrals	2020	5	5	0	0
	2019	17	17	0	0
	2018	48	48	0	0

Drug Referrals	2020	6	6	0	0
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2019	26	21	0	0
2018	43	42	0	0

Weapon Referrals	2020	2	2	0	0
	2019	0	0	0	0
	2018	0	0	0	0

2020 there were no reports of Hate Crimes
2019 there were no reports of Hate Crimes
2018 One Hate Crime of Simple Assault was 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
jv@fdu.edu

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

Campus Fire Safety

Overview:

The Higher Education Opportunity Act of 2008 requires all academic institutions that maintain on-campus student housing facilities to produce and maintain annual fire safety reports.

Included in the fire safety report are the following: fire safety practices, fire safety standards, measures and fire/fire safety related statistics. As required by law, this report shall serve as public disclosure as it relates to Fairleigh Dickinson University- Florham campus fire program.

General Statement:

The on-campus housing facilities at the Florham Campus are Rutherford Hall, Hamilton Twombly, Florence Twombly, Park Avenue Apartment, Stirling Hall, York Hall, Ellsworth Hall, Barclay Hall, Penn Hall, Rice Hall, Wilder Hall, Vanderbilt Hall and Danforth Hall.

At Fairleigh Dickinson University-Florham Campus, all residential housing facilities are fully sprinkler system and covered by fire alarm systems. Each fire alarm system is monitored 24 hours a day, seven days a week by Simplex Grinnell central station. The fire alarm systems are tested and maintained by a licensed contractor, in compliance to the current New Jersey N.F.P.A. Requirements. Quarterly fire sprinkler inspections and ongoing testing and maintenance of all fire suppression systems, in compliance with the current New Jersey N.F.P.A. requirements are conducted by a licensed contractor, under the directions of the Campus Facilities Department.

All floors of the residential buildings have wall-mounted fire extinguishers. Each residential building is equipped with smoke detectors and carbon monoxide detectors.

Each student has access to the Florham Campus Student Handbook via the University website (www.fdu.edu) and a personal flash drive, which outlines the Fire and Safety Regulations under Residence Hall Community Standards. Also listed in the Student Handbook are the fines and sanctions for any Fire Safety violations (see Residence Hall Community Standards). All rooms including classrooms, lecture halls, laboratories, and offices have posted emergency procedures, which outline the procedures and instructions for fire/explosion emergencies. All emergency management personnel maintain Emergency Operations Plan/Field Guides, which cover fire/explosion incidents. The Incident Command system is outlined.

To date, there are no immediate plans to make changes to the fire alarm system or fire sprinkler systems.

Definitions:

Fire-Any instance of open flame or other burning in a place not intended to contain the burning or in uncontrolled manner.

Cause of Fire-An instance of open flames or factors that give rise to a fire. The casual factor may be, but not limited to, the result of intentional or unintentional actions, mechanical failure, or an act of nature.

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

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

Fire Related Death-Any instance in which a person:

Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from danger of a fire; or dies within one (1) year of injuries sustained as a result of the fire.

Fire Sprinkler System-Is an active fire protection measure, consisting of water supply system, providing adequate pressure and flow-rate to a water distribution piping system, onto which fire sprinklers are connected.

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

Value of Property Damage-The estimated value loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

*definition as per Section 668.49 of H.E.O.A.-Fire Safety

Fire Safety

- a. Tampering with, modifying or disconnecting any fire equipment, including fire alarms, fire extinguishers, smoke/heat detectors or emergency lighting is prohibited.
- b. Students and their visitors are required to immediately evacuate any campus

building when an alarm sounds or when instructed to do so by a university official or staff member. Once outside, students should assemble at least 50 feet away from building. Students may not re-enter any part of the building until authorization has been given by public safety or fire department.

c. Practice/items considered to be a fire hazard or a danger to the University community will not be permitted. The following are not permitted in the residence halls: 1) firearms; 2) fireworks or explosives; 3) hazardous or flammable chemicals or solvents; 4) ammunition; 5) weapons, including but limited to bows and arrows, illegal knives as defined by New Jersey law, BB guns, slingshots, chukka sticks, Chinese stars, blackjacks or other dangerous instruments; 6) candles, punks, incense sticks, incense and potpourri burners. Decorative candles with unburned wicks are permitted; and 7) halogen lamps.

These items may be confiscated by Office of Residence Life. All items confiscated can be claimed in the Office of Residence Life when the student confiscation form left. At that time, the resident will be asked to sign a release agreeing not to return the items to the residence halls. Items left for more than 30 days after the date of confiscation will be discarded unless previous arrangements are made. The Office of Residence Life will not be responsible for items that are discarded.

- d. Fire regulations prohibit the placement or suspension of flammable materials either from ceilings or light fixtures or in a manner that could block the egress from a room, suite, apartment, corridor or building. In addition, flammable materials may not be stored under any stairwell. Holiday trees or other live items such as sprays of green, wreaths, etc., and Hanukkah candles are not permitted in the Residence Halls. Open flames are not permitted in residence halls
- e. Actions such as participating in sports and horseplay in hallways and stairwells, water battles, food fights, and practical jokes are dangerous and disruptive practices and will not be tolerated.
- f. Cooking in the residence halls is limited to the kitchens in the Park Avenue Apartments and the designated kitchen area in the remaining halls. Only apartment residents are permitted appliances for food preparation in their kitchens. Due to fire safety and sanitary standards, all other residents are not permitted to have appliances used for preparing food and/or appliances that contain a heating element in their residence hall rooms or suites. Hotpots and coffeemakers are allowed in rooms. Students may have one microwave oven per room. Microwaves ovens can be no larger than .6 cubic feet. Unauthorized appliances will be subject to confiscation.
- g. Refrigerators up to 4.5 cubic feet are permitted in any residence hall unless designated otherwise by the Office of Residence Life. Only one refrigerator is permitted per bedroom.
- h. Residents are not permitted to bring or install space heaters and air conditioners

in their rooms. During emergencies, only University approved heaters will be allowed.

- i. In accordance with local fire code non-surge, protected extension cords of any and multi-plug adapters are prohibited in the residence halls. Only UL- approved, grounded, surge-protected, multiple-outlet strips are permitted in residence hall rooms.
- j. The construction of freestanding lofts is permitted with prior approval from the director of Residence Life or his or her designee.
- k. Window screens must not be unfastened or removed. Students are prohibited from screaming and yelling from windows. Under no circumstances will throwing of objects from any window in the residence halls be tolerated. Such conduct poses a danger to the health and safety of other residents. Residents assigned to a room from which an object is thrown will be subject to disciplinary action. Stereo speakers cannot be placed in the window.
- l. Actions such as participating in sports and horseplay in hallways and stairwells, water battles, food fights, and practical jokes are dangerous and disruptive practices and will not be tolerated.
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 - s. Students are prohibited from entering public restrooms designated for the opposite sex, janitors' closets, boiler rooms, and other unauthorized areas. In addition, students are not permitted on building roofs for any reason.
 - t. The storage of bicycles is not permitted in hallways, stairwells, or lobby areas. Residents are to chain bicycles to racks provided by the University. Bicycles chained to the exterior of any building will be removed.
 - u. Motorized vehicles are not permitted inside any residence hall nor are they permitted to be chained to the exterior of any building.
 - v. Students are to maintain sanitary standards that protect the safety, health and well-being of residents. Authorized representatives of the University have the right to enter any space at any time to inspect facilities. Rooms, suites or apartments continually found unacceptable may result in the residents of that area having their residence hall agreement terminated immediately.
 - w. Due to health concerns and as per New Jersey state law, all residence halls are designated smoke free. Smoking of any kind in student rooms and public areas such as hallways, stairwells, laundry rooms, lounges, and lobbies is prohibited. Students may not smoke in a 50-foot radius of any residence hall.
 - x. Throwing of food, bottles, snowball or any objects which present a health and safety hazard or is damaging or disruptive is strictly prohibited in and around the residential facilities.
 - y. Students are prohibited from entering public restrooms designated for the opposite sex, janitors' closets, boiler rooms, and other unauthorized areas. In addition, students are not permitted on building roofs for any reason.

- z. The storage of bicycles is not permitted in hallways, stairwells, or lobby areas. Residents are to chain bicycles to racks provided by the University.
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- aa. Motorized vehicles are not permitted inside any residence hall nor are they permitted to be chained to the exterior of any building.
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- dd. Throwing of food, bottles, snowball or any objects which present a health and safety hazard or is damaging or disruptive is strictly prohibited in and around the residential facilities.
- ee. Proper operation of residence halls elevators is imperative to the safety and convenience of all residents. Tampering with including sounding the emergency alarm or using the emergency phone, may lead to automatic loss of University housing. In addition, any student found vandalizing an elevator will be responsible for the cost of repairing the unit. If the elevator should malfunction, RESIDENTS SHOULD NOT ATTEMPT TO EXIT THE ELEVATOR CAR AND SHOULD WAIT FOR ASSISTANCE.
- ff. Attempting to damage, tamper or interfere with the operation of a security camera is prohibited.
- gg. Fraudulent use of a key to enter another student's room or inserting inappropriate objects into a lock or card reader that may cause damage or destroy it is prohibited.
- hh. The use of any type of grill is prohibited in or around any residence hall area.
Grills are permitted in the designated barbecue areas only.

ii. Students are to use designated entrances/exits only. The use of emergency exits, windows and other means of egress are prohibited, except in the case of an emergency.

jj. Filming or videotaping in or around the residence halls is not permitted without receiving prior written approval through the Office of Residence Life.

This includes class assignments as well as special projects that may be required.

Fines and Sanctions:

Tampering with fire or other safety equipment or setting unauthorized fires.

- 9.01 Possession and/or use of prohibited items and/or appliances.
- 9.02 Compromising ingress/egress from a room and/or building by creating a greater risk.
- 9.03 Creating a condition that endangers health and safety.
- 9.04 Late or failure to evacuate the building during a fire alarm.
- 9.05 Tampering with fire-safety equipment including smoke detectors, exit signs, blocking exit doors and discharging fire extinguishers.
- 9.06 Pulling false fire alarms.
- 9.07 Other.
- 9.08 Accidentally setting off a fire alarm.

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

On Campus Housing Fire Safety Systems

Building	Sprinkler	Fire Alarm	Smoke Detector	Carbon-Monoxide Detector	Wall mounted fire extinguishers
Rutherford Hall	✓	✓	✓	✓	✓
Hamilton Twombly	✓	✓	✓	✓	✓
Florence Twombly	✓	✓	✓	✓	✓
Park Ave. Apt.	✓	✓	✓	✓	✓
Stirling Hall #1	✓	✓	✓	✓	✓
York Hall #2	✓	✓	✓	✓	✓
Ellsworth Hall #3	✓	✓	✓	✓	✓
Barclay Hall #4	✓	✓	✓	✓	✓
Penn Hall #5	✓	✓	✓	✓	✓
Rice Hall #6	✓	✓	✓	✓	✓
Wilder Hall #7	✓	✓	✓	✓	✓
Vanderbilt Hall #8	✓	✓	✓	✓	✓
Danforth Hall #9	✓	✓	✓	✓	✓

Residence Hall Fire Drills and Evacuation Policy

(Procedures for student housing evacuation and procedures for students and employees should follow in case of a Fire.)

The first person to become aware of a fire emergency should activate pull station if safe to do so, call Public Safety at 973-443-8888 or 911 and provide the location and nature of the emergency.

1. When the fire alarm is activated and sounds, evacuate the building immediately using the primary path. Follow the exit signs to safety and calmly exit the buildings. Leave all personal belongings behind, unless instructed otherwise. Walk immediately, do not run. Do not use elevators. If possible, assist others who may not be capable with following the evacuation plan or those who have recognized disabilities and may need assistance during an emergency.
2. Upon exiting the building, it is important to move as far away from the building as possible and proceed to pre-determined assembly/staging areas identified for the building. This will reduce your exposure to hazards, allow others to exit safely and provides a clear path for emergency responders to arrive and do their job. Any information relating to the fire emergency can then be relayed to Public Safety, the police or fire department.
3. Do not attempt to re-enter the building until Public Safety, the Police or fire Department gives permission to do so.
4. Remain calm, DO NOT panic.
5. Before opening a door, feel it with the back of your hand. If it is hot, do not open the door. Go to another means of egress. If you cannot exit the room, seal the cracks around the door with towels, linen, clothes (soaked in water if possible). Open your window for air and hang objects out the window to attract attention. Shout for help. If a telephone is available, call 911 and advise them where you are trapped. If smoke is filling the area where you are, keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your mouth and nose.
6. If the door is not hot, brace yourself and open it slowly. If hot air or fire rushes in close the door and follow instructions in number 2.

7. If you can leave, close all the doors behind you and proceed to the nearest safe exit. The nearest exit may not be the one you use to enter the building. Once you leave the building, report to the designated staging area.
8. It is New Jersey State law that when every fire alarm goes off for any reason in the building that you are in, you must evacuate and remain outside until told by campus authorities to re-enter.

Pre-determined Assembly/staging (depending on the location being safe to assemble in)

(Follow the instructions of the first responders for a staging area)

Residential Buildings:

Rutherford Hall

Hamilton Twombly

Florence Twombly

Park Avenue Apts.

Stirling Hall #1

York Hall #2

Ellsworth Hall #3

Barclay Hall #4

Penn Hall #5

Rice Hall #6

Wilder Hall #7

Vanderbilt Hall #8

Danforth Hall #9

Academic Buildings:

Hennessy Hall (Mansion)

Monninger Center/Library

Student Center

Assembly/Staging

Softball field (secondary-or Lot 6/7)

Courtyard Rutherford Hall

Courtyard Rutherford Hall

Parking Lot 3 north and south sides

Parking Lot 3 south side

Library Lawn

Grassy area in front of Mansion

Library Lawn

Education Opportunity Fund	Library Lawn
Campus Facilities	Library Lawn
Chaine Building	Library Lawn
The Barn	Parking lot #5
Wellness Center	Softball Field
Gatehouse	Soccer Field
F.I.L.M.	Program Soccer Field
Dreyfuss Building	Courtyard-rear of building
Ferguson Recreation Center	Courtyard-rear of building
Rothman Institute	Courtyard-rear of building
ZEN Building	Courtyard-rear of building
Science Complex	Parking lot #8
School of Pharmacy	Parking lot in rear

If a member of the Fairleigh Dickinson community finds evidence of a fire that has been extinguished, and the person is not sure whether the Department of Public Safety has already responded, the community member should immediately notify the Department of Public Safety to investigate and document the incident.

Supervised Fire Drills:

The Department of Public Safety conducts supervised fire drills four (4) times a year. All fire drills are unannounced. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student housing building. Two (2) fire evacuation drills are conducted after dusk. All corresponding fire drill reports are forwarded to campus facilities and any malfunctions or errors in systems are then repaired and/or corrected. Department of Public Safety conducts four (4) supervised fire drills in all residential and academic buildings annually.

FIRE REPORTING

Any student or employee should report that a fire occurred to the following campus person or organizations:

Any Public Safety Officer or by calling	973-443-8888
Public Safety Director	973-443-8891
Public Safety Assist Director	973-443-8928
Dean of Students	973-443-8936
Any Campus Life	973-443-8574
Any Residence Life	973-443-8586
Any campus facilities	973-443-8926

Fire Safety Education

The Department of Public Safety officers receive fire safety training and live fire extinguisher training in conjunction with Florham Park Fire Department. The Department of Public Safety hosts Fire Safety Awareness programs each semester for students, faculty, and staff. Department of Public Safety provides training to officers in NIMS (National Incident Management Systems).

Residence Hall Community Standards

The following regulations are enacted to protect the general welfare of the residential community. Infractions of any of these regulations may result in disciplinary actions including, but not limited to, fines, loss of privileges, and a change in residency or other disciplinary penalties. Conduct that is inconsistent with the goals and objectives of Fairleigh Dickinson University will not be tolerated. Students are required to become familiar with, and abide by, their rights and responsibilities as outlined in this publication and the Code of Student Rights, Responsibilities and Conduct.

Plans for Future Improvements in Fire Safety

Fairleigh Dickinson University continually evaluates the fire protection systems in all campus buildings. Upgrades occur through ongoing testing and inspection of the life safety systems and equipment with deficiencies being repaired or replaced through building renovations.

Statistics for Student Housing Facilities

Residence Halls

Year	2018	2019	2020
Total Alarms	46	44	9
FIRES	0	0	0
Damages	0	0	0
Injuries	0	0	0
Fatalities	0	0	0
False Alarms	46	44	9
Malicious	1	1	0
Carbon Monoxide	0	0	0
Sprinkler System	0	0	0
Cooking	17	7	0
Other	28	36	9